



SPHM  
HOSPITALITY

BENEFIT POLICIES



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Series 500

# Benefits Policies

**Subject: Benefits Eligibility****P-500.01**

- A. Policy. It is the policy of the club to provide employment benefits to its Full Time employees.
- B. Discussion
  - 1. The club is proud of its benefits package that has been carefully selected to meet employee needs and keep the club competitive with other employers.
  - 2. Only Full Time employees are eligible for benefits unless otherwise specifically provided in writing.
  - 3. Full Time employees qualify for most benefits after their 90-day introductory period.
  - 4. All benefit plans are subject to change or revocation at any time.
  - 5. Details of some benefits are contained in the Plan Booklet, which will be made available to employees when they become eligible for benefits.
- C. Benefits
  - 1. Medical Plan For Employees And Dependents. The medical insurance plan for eligible staff is a co-pay program. Full time employees and their dependents become eligible for coverage the first day after completion of the 90-day introductory period. A summary of benefits will be given to the employee prior to their eligibility date.
  - 2. Dental Insurance. Dental insurance is available for Full Time employees and their dependents after completion of the 90-day introductory period. A summary of benefits and plan costs will be given to employees prior to their eligibility date.
  - 3. Life Insurance. Life Insurance is available to Full Time employees. The club provides two-times the annual salary to all eligible employees. Additionally, eligible employees may purchase additional insurance coverage for themselves and/or their families.
  - 4. Accidental Death & Dismemberment Insurance. Accidental Death and Dismemberment Insurance is available to Full Time employees. The club provides an amount equal to two times the annual earnings of eligible employees.
  - 5. Long Term Disability Insurance. All Full Time employees are eligible for Long Term Disability Insurance after completion of the 90-day introductory period.
  - 6. 401k Retirement Plan. Full and Part Time employees with one or more years of service and who work a minimum of 1,000 hours per year are eligible to participate in the 401K Retirement Plan. Refer to [401K Eligibility].

**7. Sick/Emergency Pay**

- a. Full Time employees with more than one year's service will be granted up to three paid sick/emergency days per year. These days may only be taken in full day segments only.
- b. Sick/emergency days must be taken in the year in which they accrue and will not carry over to the next year or be paid to the employee in lieu of time off. Employees must notify their supervisor that they are taking a sick/emergency day in advance whenever possible and employees must receive approval from their supervisor and facility manager to receive sick/emergency pay. Refer to [Sick/Emergency Pay] for more information.

8. **Vacation**. Vacations for each Full Time employee will be based on the length of time of continuous employment with the club. After an employee's introductory period has been completed, the employee may begin to accrue vacation time equal to  $\frac{1}{2}$  day for each month worked (following the introductory period) up to 1 year of service. The employee may only begin to use vacation after 6 months of continuous employment following the original hire date. Refer to [Vacation Pay] for more information.
9. **Bereavement Leave**. The club provides special paid leave from one to three days due to a death in the immediate family. See [Bereavement Leave] for more information.
10. **Holidays**. The club provides six paid holidays per year for Full Time employees who have completed their introductory period. Refer to [Holiday Pay for Hourly Employees] and [Holiday Pay for Exempt Employees] for more information.

**Subject: 401k Retirement Plan**

**P-500.02**

- A. Policy. It is the policy of the club to offer eligible employees a 401k retirement plan.
- B. Eligibility
  - 1. Full and Part Time employees who have completed one year of service and who work a minimum of 1,000 hours annually, are eligible for the 401k retirement plan.
  - 2. To qualify, an employee must be 21 years of age or older.
- C. Discussion
  - 1. The plan allows employees to contribute up to \$13,000 of their gross pay to a retirement fund. Under the “Catch Up Provision” those over 50 years of age may contribute an additional amount (see your Plan Administrator for details).
  - 2. The club may match employee contributions at the rate of 50 cents per dollar up to 6% of the employee’s annual compensation. Under the Internal Revenue Code, the amounts of employee contribution and matching club funds may be limited.
  - 3. Employees who participate in the 401k plan are immediately vested. In other words, should they leave the club, they may transfer the full amount contributed by themselves and the club into another retirement plan or convert it to other retirement investments as allowed by law.
  - 4. Under the Internal Revenue Code, certain highly compensated employees are subject to special 401k provisions.

**Subject: Employee Discounts**

**P-500.03**

- A. Policy. It is the policy of the club to offer employee discounts on retail merchandise at the club.
- B. Discussion
  - 1. Employee discounts are a benefit, not a right.
  - 2. The details of such approved discounts are strictly at the discretion of the General Manager in consultation with the Board of Directors.

**Subject: Employee Meals**

**P-500.04**

- A. Policy. It is the policy of the club to provide employee meals.
- B. Discussion
  - 1. Employee meals are a benefit, not a right.
  - 2. The times, location, and offerings for employee meals are strictly at the discretion of the General Manager and will be published for club the employees.
  - 3. Employee meal service should not interfere with service to members and guests.

**Subject: Sick/Emergency Pay****P-500.05**

- A. Policy. It is the policy of the club that Full Time employees are provided up to three (3) days of sick/emergency pay after one year of service following the original hire date.
- B. Discussion
  1. Sick/emergency days may be used only after 1 year of service following the original hire date.
  2. Sick/emergency days may only be taken in full day increments.
  3. Sick/emergency days are to be used for bona fide illness or for scheduled medical and dental appointments. In the case of appointments, employees must notify their supervisor at least 72 hours in advance of the expected absence. Employees will be paid one day's average pay for any sick day taken, i.e., based either on the employee's normal work schedule for exempt employees or for the average number of hours worked per day based on the last three pay periods for hourly employees.
  4. The club may require a doctor's certificate confirming the nature of the illness before an employee returns to work. If three or more consecutive days of work are missed, the employee must bring a doctor's certificate confirming the nature of the illness and excusing the absence from work.
    - a. The employee is responsible for ensuring that the doctor's certificate contains adequate information.
    - b. If the certificate does not provide this information, the employee may be required to get another or risk not being paid for the absence.
  5. Sick/emergency days must be taken in the year in which they accrue. They do not accumulate from year to year and employees will not be paid for any unused sick/emergency days.

**Subject: Vacation Pay**

**P-500.06**

A. Policy. It is the policy of the club that Full Time employees will earn vacation at rates depending upon the length of continuous service.

<u>Years of Service</u>	<u>Vacation Time</u>
Less than 1 year	½ day per month after introductory period
Over 1 less than 5	2 Weeks (10 days)
Over 5 less than 10	3 Weeks (15 days)
Over 10	4 Weeks (20 days)

B. Discussion.

1. Vacation time may be used for vacation, illness, medical or dental appointments, religious observances, or other reasons, but must be approved in advance after the employee's timely request.
2. After an employee's introductory period, the eligible employee will accrue vacation time equal to ½ day for each month worked (following the introductory period) up to 1 year of service. The employee may only begin to use vacation after 6 months of continuous employment following the original hire.
3. Employees must schedule their vacation time with their department heads. Department heads need to take the staffing needs of their department into account before approving any vacation.
4. An employee leaving the club's employ will not be paid for unused vacation unless the employee voluntarily quits and gives at least two weeks notice. Any employee who does not provide and work a notice period of at least two weeks forfeits any rights to unused vacation pay unless requested by the club to leave earlier than two weeks.

C. Procedures

1. Eligible employees will request vacation time using a Vacation Request, [SPHM Form 120]. This form will be turned in to the employee's immediate supervisor for approval.
2. Once approved, the Vacation Request will be passed on as follows to ensure that vacation time is properly recorded and accounted for.
  - a. Supervisors of hourly employees will note vacation time taken on the employee's timecard or the timekeeping report during [Verification of Hours] and return the report to the Controller. The Controller will then enter the vacation time into the timekeeping system before sending for payroll processing.

- b. Vacation Requests for exempt employees will be forwarded to the Controller, who will enter the vacation time into the timekeeping system before sending for payroll processing.

**Subject: Holiday Pay for Hourly Employees**

**P-500.07**

A. Policy. It is the policy of the club to provide six paid holidays per year for Full Time hourly employees.

B. Discussion.

1. The club recognizes the following holidays:

New Year's Day

Memorial Day

4<sup>th</sup> of July

Labor Day

Thanksgiving Day

December 25th

2. Only Full Time employees who have completed their 90-day introductory period are eligible for holiday pay.
3. Should an eligible employee be asked to work on one of these six holidays, the employee will receive pay for hours worked, up to 8 hours, plus the holiday pay of eight hours straight time.
4. If an employee is not scheduled to work on a holiday, he or she will be paid for eight hours of holiday pay.
5. Employees on leaves of absence are not entitled to holiday pay.
6. Those employees on vacation during a holiday will receive their choice of an extra day of vacation or pay for the holiday.

**Subject: Holiday Pay for Exempt Employees****P-500.08**

A. Policy. It is the policy of the club to provide six paid holidays per year for Full Time exempt employees.

B. Discussion.

1. The club recognizes the following holidays:

New Year's Day

Memorial Day

4<sup>th</sup> of July

Labor Day

Thanksgiving Day

December 25th

2. Only Full Time employees who have completed their 90-day introductory period are eligible for holiday pay.
3. If the holiday falls on a day that the exempt employee is normally scheduled to work, he or she may take the holiday with pay, as business permits.
4. If the holiday falls on a day that the exempt employee must work, the employee may select another day within the same pay period to take off. If the schedule does not permit taking a day off during the same pay period, the Personnel Administrator will be notified of the day selected beyond the pay period. In no case will the date be beyond a second pay period without the express permission of the General Manager.
5. If the holiday falls on a day the employee is scheduled off, the holiday will be taken on the closest working day, or the day designated by national convention, for instance, the preceding Friday or following Monday.
6. Employees on leaves of absence are not entitled to holiday pay.
7. Those employees on vacation during a holiday may receive an extra day of vacation or may reduce their vacation used by one day.

**Subject: Direct Deposit of Paychecks****P-500.09**

A. Policy. It is the policy of the club to provide employees with the option of having their paychecks deposited directly (Direct Deposit) into their personal checking accounts.

B. Discussion

1. Direct deposit of an employee's paycheck is a safe, secure, and efficient way for employees to deposit their net paycheck directly into their checking account.
2. Direct deposit of paychecks is optional. While there is no requirement for employees to use direct deposit, the club will ensure that all employees are aware of the option.

C. Procedures

1. During in-processing the Personnel Administrator will make all new hires aware of the option to direct deposit their paychecks.
2. Those who choose to direct deposit their paychecks will complete an Authorization for Direct Deposit, (SPHM Form 131). Employees must:
  - a. Already have an account set up at their bank.
  - b. Find out if their bank accepts direct deposits (most will).
  - c. Verify their bank's transit number and the employee's bank account number (including dashes).
  - d. Notify the bank that they will be setting up a direct deposit through their facility's payroll service.
3. After completely filling out the Authorization for Direct Deposit, the employee will attach a voided check from their bank account and return both to the Personnel Administrator who will provide the information to the Controller who will process the direct deposit with the payroll service.
4. Employees must understand that their account will be "pre-noted" for 10 days. This means that on the next payday the employee will receive their regular paycheck and a deposit slip, but the deposit slip will be for zero (\$0) dollars. On the following payday their paycheck will be direct deposited into their bank account.

**Subject: Use of Facilities****P-500.10**

A. Policy. It is the policy of the club that employees are not allowed to club except in specific instances outlined below.

B. Discussion

1. Employees are not allowed to use facilities and services while working. This means that employees should not sit on or at furniture in member areas of the club. Supervisors will designate employee break areas for their employees.
2. The club is for the exclusive use of members. Employees may not use club facilities when off-duty.
3. Except in an emergency, employees may not use member (front of house) rest rooms. Instead, they should use those rest rooms designated for their use.
4. Except in the course of working, employees are not allowed to use entries/exits designed for member use. As much as practical, they should use designated employee entrances.

C. Exceptions

1. Department heads may use club dining facilities for business purposes, i.e., for dining and entertaining on club business. Department heads should notify the General Manager in advance that they will be dining at the club. Such use must not interfere with member use of the club.
2. Department heads and Golf Operations employees may use the golf course at the discretion of the Head Golf Professional. Such use will be “off the clock” and will not interfere with member use of the course.
3. At the discretion of the General Manager, department heads may be issued a personal charge account for purchase of retail items in the club’s retail shops and meals in food and beverage facilities for their personal use. These purchases must not interfere with member use of the club.

**Subject: Workers' Compensation****P-500.11**

- A. Policy. It is the policy of the club that all employees are covered by Workers' Compensation Insurance regardless of employment status.
  - 1. This insurance benefit provides weekly income to employees after seven (7) days of disability that results from a job-connected injury or illness.
  - 2. If hospitalized, payments begin immediately.
- B. Responsibilities
  - 1. The Personnel Administrator and General Manager are responsible for the administration of the Workers' Compensation program and establishing policies and procedures to meet the State-mandated requirements of this program.
  - 2. The General Manager and department heads are responsible for making their employees aware of this policy and its attendant procedures.
- C. Discussion
  - 1. Benefits under Workers' Compensation – Generally, the following benefits are available under Workers' Compensation programs, though the details of each State's programs may vary.
    - a. Medical benefits - medical, surgical, hospital treatment, nursing, medicine, sick travel, chiropractic services, and surgical supplies.
    - b. Rehabilitation benefits - to help an injured employee acquire the skills necessary to perform a job after the injury. In some cases involving major injuries, benefits may include personal living expenses during rehabilitation.
    - c. Disability benefits
      - (1) Disabilities resulting in total incapacity and partial incapacity are paid according to different schedules of benefits. These schedules also vary depending upon whether the disability is permanent or temporary.
      - (2) In addition to benefits for the physical injury, the employee is also entitled to income benefits for the injury. These include Permanent Total Disability, Temporary Total Disability, and Permanent Partial Incapacity.
    - d. Death benefits – to the surviving spouse and children of a worker killed on the job.

2. Filing a claim for benefits

- a. Within 30 days of the accident or injury, an employee should inform the employer in writing that an injury occurred.
- b. It is then the employer's responsibility to report the injury to the employer's Workers' Compensation carrier within 5 days.
- c. If the employer fails to report the injury, the employee may file a claim for compensation with the Industrial Commission within two years of the date of the accident. If the claim is not filed within two years, it is lost.

3. Procedures

- a. Any employee injured while working at the club or off-premises while on club business, must report their injury to their supervisor as soon as possible.
  - (1) If the injured employee needs medical attention, he or she should be sent immediately to the designated medical facility. Personnel Administrators will have the name of the designated medical facility and other pertinent emergency treatment information.
  - (2) If the injury is of an urgent or emergency nature, the employee should be sent to the nearest hospital or urgent care facility.
  - (3) A drug screening must be administered at the medical facility.
  - (4) While it is the employee's decision to seek medical attention and may refuse treatment, the employee's supervisor should make every effort to convince the employee to seek appropriate medical treatment to prevent further problems, i.e., subsequent infection, recurring orthopedic pain, etc.

b. Non-emergencies

- (1) The injured employee must fill out an Employee Accident Report, [CRI Form 124-1] (front side of Form 124), as soon as possible and provide it to his or her supervisor.
- (2) The supervisor or Manager on Duty (if the supervisor is unavailable) must complete the Supervisor's Report of Accident, [SPHM Form 124-2] (reverse side of Form 124), and a State Accident Report, as soon as possible, but no later than within 2 working days of the accident.
- (3) The completed forms will be forwarded to the Personnel Administrator, who will obtain the General Manager's review and signature on the Supervisor's Report of Accident.
- (4) Finally, the Personnel Administrator will file the claim with the Company's Workers' Compensation carrier.

- c. **Emergencies.** When an injured employee is unable to complete the Employee Accident Report, [SPHM Form 124-1], because of his or her injuries, all of the above steps in paragraph 3.b. should be followed except for step (1), the completion of the Employee Accident Report.

**Subject: Personal Time Off without Pay****P-500.12**

- A. Policy. It is the policy of the club that an employee may take time off for personal reasons without pay after obtaining his department head's advance approval.
- B. Discussion
  - 1. If the time off is three days or less, the department head will simply report the absence on an Absentee Record, [SPHM Form 121]. If the leave of absence is more than three days, the department head must submit a Personnel Data Sheet (PDS), [CRI Form 104], informing the Personnel Administrator of the expected duration of the leave of absence.
  - 2. For absences of less than a full work shift and if approved by his department head, the employee may make up the time on the same day by shortening his lunch period or by coming in early or staying late.
  - 3. If the reason for such an absence is a medical or dental appointment, and the department head's permission is obtained in advance, an employee may make up the time during the same workweek. If advance permission is not obtained, the employee may not be permitted to make up lost time. Lost time that is not made up will result in loss of pay for the missed time.
  - 4. Department heads should have a bona fide reason to approve an employee making up lost time. A bona fide reason would be to meet the demands of the business or to work on necessary special project work assigned by the department head. In other words, there is no obligation to provide "make work" just so an employee does not lose pay.

**Subject: Family Medical Leave**

**P-500.13**

**A. Policy.** It is the policy of the Club to meet all the requirements of The Family and Medical Leave Act (FMLA) of 1993 as amended in 2008.

**B. Discussion**

1. The federal Family & Medical Leave Act of 1993 (FMLA) as amended in 2008 requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.
2. In addition to FMLA leave, you may also be eligible for leave under a similar state law.

**C. Eligibility for FMLA Leave**

1. Employees are eligible for FMLA leave if they:
  - a. Have worked for the company for at least 12 months;
  - b. Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave; *and*
  - c. Are employed at a work site that has 50 or more employees within a 75-mile radius.
2. The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's active duty with the National Guard or reserve, or there was a written agreement that the employer intended to rehire the employee after the break in service.
3. Employees with any questions about their eligibility for FMLA leave should contact their Personnel Administrator for more information.

**D. Basic FMLA Leave**

1. Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:
  - a. To care for the employee's son or daughter during the first 12 months following birth;
  - b. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
  - c. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
  - d. For incapacity due to the employee's pregnancy, prenatal medical or child birth; *or*
  - e. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

2. Married couples. In cases where a married couple is employed by the same employer, the two spouses together may take a *combined total* of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

E. Military Family Leave. There are two types of Military Family Leave available.

**Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the service member (up to 5 days of leave)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's active duty status)
- Other activities arising out of the service member's active duty or call to active duty and agreed upon by the employer and the employee

**Leave to care for a covered service member.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

When both husband and wife work for the same employer, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12-month period.

F. Use of Leave.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

#### G. Pay, Benefits, and Protections During FMLA Leave

Leave is unpaid. Family medical leave is unpaid leave (although employees may be eligible for short- or long-term disability payments and/or workers' compensation benefits under those insurance plans) if leave is taken because of an employee's own serious health condition.

Substitution of paid time off for unpaid leave. If an employee does not choose to substitute accrued paid leave, the employer may require the employee to substitute accrued paid leave for unpaid FMLA leave, as determined by the terms and conditions of the employer's normal leave policy.

If an employee requests leave because of birth, adoption, or foster care placement of a child, any accrued paid vacation personal leave or family leave first will be substituted for unpaid family/medical leave.

If an employee requests leave because of the employee's own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid vacation personal leave, family or medical/sick leave first will be substituted for any unpaid family/medical leave.

The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary. An employee's family medical leave runs concurrently with other types of leave, i.e., paid vacation. *[Employers may elect to make leave paid or unpaid. The bracketed material must be modified depending on whether the employer provides paid personal, family, or medical/sick leave and under what circumstances these paid leaves may be used.]*

For leave taken for a qualifying exigency, an employee may elect or the employer may require substitution of paid personal, vacation, or family leave time for unpaid FMLA leave. The same rules apply as if the employee took FMLA leave to care for a family member with a serious health condition or for the birth or placement of a child.

For leave to care for a seriously injured or ill family member in the military, an employee may substitute paid personal, vacation, family leave, sick, or medical leave time for unpaid FMLA leave. The same rules apply as if the employee took leave for his or her own serious health condition. The employer will not provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave.

Medical and other benefits. During an approved family medical leave, the employer will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the employer will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through *[employers should specify the method they will use]*.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the employer will send the employee a letter to this effect. If the employer does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the employer for the cost of the premiums paid by the employer for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. [The employer must decide what, if any, other benefits will continue to accrue during leave periods. There is no obligation to continue to provide or accrue any benefits other than health care under FMLA.]

Return to job at end of FMLA leave. Upon return from FMLA leave, eligible employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

### H. Employee Responsibilities When Requesting FMLA Leave

If the need to use FMLA leave is foreseeable, the employee must give the employer at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the Personnel Administrator using the Request for Family/Medical Leave form.

If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct supervisor and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.

When submitting a request for leave, the employee must provide sufficient information for the employer to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

### I. Employer Responsibilities

When an employee requests leave, the employer will inform the employee whether he or she is eligible under the FMLA. If the employee is, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not

eligible under the FMLA, the employer will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the employer will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

#### **J. Medical Certification**

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Personnel Administrator. When the employee requests leave, the employer will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after you request leave). If the employee provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The employer, at its expense, may require an examination by a second healthcare provider designated by the employer, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the employer, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The employer may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided. Employees may also be required to provide a fitness-for-duty certification upon return to work, or during intermittent leave, as required.

#### **K. Reporting While on Leave**

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the employer on the first and third Tuesday of each month regarding the status of the condition and his or her intention to return to work. [Note: This is only a *suggested* method for leave reporting. Employers may establish different intervals for reporting, as long as it is not unduly burdensome on the employee or enforced unequally.] In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

#### **L. Exemption for Highly Compensated Employees**

Highly compensated employees (i.e., highest-paid 10 percent of employees at a worksite or within a 75-mile radius of that worksite) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the employer. (This fact-specific determination will be made by the employer on a case-by-case basis.) The employer will notify employees if they qualify as "highly compensated" employees if the employer intends to deny reinstatement, and of employees' rights in such instances.

#### **M. Intermittent and Reduced-Schedule Leave**

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, the employer will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the employer may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and benefits.

W

**Subject: Military Leaves of Absence**

**P-500.14**

- A. Policy. It is the policy of the club that military leaves of absence will be granted to employees who are called to serve in the uniformed services of the United States as provided for by the Uniformed Services Employment and Reemployment Rights.
- B. Discussion
  - 1. An employee with one year or more of club service will be eligible for pay during participation in annual encampment or training duty with the Military Reserves or National Guard.
  - 2. In this circumstance the company will pay the difference between what the employee earns from government service and what the employee would have earned from normal straight-time pay. This payment will be made for up to two weeks during any calendar year.
- C. Coverage
  - 1. The Act applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard.
  - 2. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.
  - 3. All employees except those serving in positions where there is "no reasonable expectation that employment will continue indefinitely or for a significant period.
- D. Basic Provisions/Requirements
  - 1. The pre-service employer must reemploy service members returning from a period of service in the uniformed services if those service members meet five criteria:
    - a. The person must have held a civilian job;
    - b. The person must have given notice to the employer that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
    - c. The period of service must not have exceeded five years;

- d. The person must not have been released from service under dishonorable or other punitive conditions; and
- e. The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment.

2. Establishes a five-year cumulative total on military service with a single employer, with certain exceptions allowed for situations such as call-ups during emergencies, reserve drills, and annually scheduled active duty for training.
3. Also allows an employee to complete an initial period of active duty that exceeds five years (e.g., enlistees in the Navy's nuclear power program are required to serve six years).

**E. Employee Rights**

1. Under restoration rights are based on the duration of military service rather than the type of military duty performed (e.g., active duty for training or inactive duty), except for fitness-for-service examinations. The time limits for returning to work are as follows:
  - a. Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
  - b. 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
  - c. 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
  - d. Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.
2. Guarantees pension plan benefits that accrued during military service, regardless of whether the plan is a defined benefit plan or a defined contribution plan. Also provides health benefits continuation for service members and their families during military service for up to 18 months. In addition, prohibits employment discrimination against a person on the basis of past military service, current military obligations, or an intent to serve.

**F. Compliance Assistance Available.** The Veterans' Employment and Training Service (VETS) enforces. However, the law also allows an employee to enforce his or her rights by filing a court action directly, without filing a complaint with VETS.

**G. Penalties/Sanctions.** A court may order an employer to compensate a prevailing claimant for lost wages or benefits. Allows for liquidated damages for "willful" violations.

H. Relation to State, Local and Other Federal Laws. Does not preempt state laws providing greater or additional rights, but it does preempt state laws providing lesser rights or imposing additional eligibility criteria.

**Subject: Unemployment Insurance**

**P-500.15**

- A. Policy. In keeping with State law, it is the policy of the club that all eligible employees are covered by Unemployment Insurance.
- B. Discussion
  - 1. The club pays the entire premium for unemployment insurance for employees.
  - 2. Unemployment insurance is administered by the State in which the employee works.

**Subject: Bereavement Leave**

**P-500.16**

- A. Policy. It is the policy of the club that Full Time employees are entitled to bereavement leave.
- B. Discussion
  - 1. Special leave with pay from one to three days may be taken with the approval of an employee's supervisor upon the death of an immediate family member.
  - 2. Immediate family includes mother, father, spouse, child, brother or sister, or other related persons living in the same household.
  - 3. The club reserves the right to ask for proof of a family death.
  - 4. Eligible employees will be paid for eight hours for each day of Bereavement Leave.
  - 5. Additional time off without pay may be granted upon employee request.

**Subject: Jury Duty**

**P-500.17**

- A. Policy. It is the policy of the club that Full Time employees called to serve on jury duty will receive limited compensation for their jury service.
- B. Discussion
  - 1. Full Time employees will receive regular wages for time lost while serving for up to forty (40) hours per year.
  - 2. Employees are expected to work when they are available during the time that they are serving on a jury.
  - 3. To receive pay for jury duty, an employee must present his supervisor with a copy of the jury summons.