

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION NO. 14

VACATION, HOLIDAY, SICK LEAVE, AND POOL USE POLICIES FOR STAFF
(10/20/20)

WHEREAS, Article III, Section 3.04, of the Declaration grants the Board the authority to conduct the business and affairs of the Association; and

WHEREAS, the Board wishes to formally adopt rules for vacation, holiday, sick leave and pool use for the office staff.

NOW, THEREFORE, BE IT RESOLVED THAT the Board duly adopts the following vacation, holiday, sick leave and pool use policy for the Association's employees:

A. Vacation, Holiday, and Sick Leave Policy

1. General. Only eligible employees of the Association may earn and use sick leave, vacation leave, and receive paid holidays in accordance with this resolution.¹ Leave accrual rates (see Appendix A) may vary according to the employee's position with the Association, length of creditable service with the Association, and their scheduled hours of work.

2. Sick Leave. Sick leave is a paid absence from work. An employee is entitled to use sick leave for:

- a. medical, dental or optical examination or treatment;
- b. incapacitation for the performance of work by physical or mental illness, injury, pregnancy, or childbirth;
- c. providing care for a family member who is incapacitated as the result of physical or mental illness, injury, pregnancy, or childbirth or who receives medical, dental, or optical examination or treatment;
- d. minimizing risk to the health of others due to their presence on the job because of exposure to a communicable disease (as determined by the health authorities having jurisdiction or by a healthcare provider)
- e. bereavement;
- f. care of a family member with a serious health condition; or
- g. adoption-related purposes.

¹ For the purpose of this resolution, the term "eligible employee" is defined as a full-time salaried employee of the Association. Further, the term "full-time" refers to an employee with a regularly-scheduled administrative workweek of at least 35 hours per week. Temporary situations where an other-than-full-time employee (e.g., no regularly-scheduled tour of duty OR a regularly-scheduled administrative workweek of less than 35 hours per week) works 35 or more hours per week shall have no effect on eligibility for leave accrual and usage or receiving paid holidays.

- h. Eligible employees accrue sick leave on a monthly basis in accordance with the accrual rates listed in Appendix A.
- i. Appendix A prescribes the maximum amount of sick leave that can be carried over from one calendar year to the next. Any accumulated sick leave in excess of the prescribed maximum is considered “use or lose” as of January 1st of each calendar year and shall be forfeited at that time.
- j. Upon termination of employment with the Association for any reason (including but not limited to retirement, resignation, or other basis), there is no cash surrender value for accrued sick leave.
- k. A written notification from a medical practitioner that an employee is unable to return to work may be required for any absences of three (3) days or longer. An employee that takes repeated occurrences of sick leave to “use it up before it expires” may also be required to provide a medical justification for each day of sick leave that is used.
- l. See Appendix B for an exception to this policy.

3. Vacation Leave.

- a. Vacation leave is available to eligible employees to provide opportunities for rest, relaxation and personal pursuits. Eligible employees accrue vacation leave on a monthly basis in accordance with the accrual rates listed in Appendix A.
- b. Appendix A prescribes the maximum amount of vacation leave that can be carried over from one calendar year to the next. Any accumulated vacation leave in excess of the prescribed maximum is considered “use or lose” as of January 1st of each calendar year and shall be forfeited at that time. There is no cash surrender value for forfeited vacation leave.

4. Approval for Use of Vacation Leave and Sick Leave.

- a. The President of the Newington Forest Community Association (NFCA) shall be responsible for approving vacation leave and sick leave for the Community Manager. In the absence of the President, the Vice President of NFCA shall assume the responsibility for approval of vacation and sick leave requests for the Community Manager. If neither the President nor the Vice President are available, the President shall designate a current Board member to temporarily assume those responsibilities.
- b. The Community Manager shall be responsible for approving vacation leave and sick leave usage of all other NFCA employees authorized to earn and use vacation leave and sick leave. In the absence of the Community Manager, the Community Manager may designate another NFCA employee to temporarily assume those responsibilities. The procedures outlined in paragraph a (above) may be used if the Community Manager is absent (or the position is vacant) and has not designated another employee to approve employee vacation and sick leave requests.

5. Accrual of Leave. The accumulation of vacation and sick leave begins with the completion of the first full month of employment. For example, if an employee was hired on January 16, 2018, the employee is eligible to accumulate 11 months of vacation and sick leave over the course of calendar year 2018 assuming they work the rest of the calendar year and meet the minimum work requirements specified in Section A.8 below.
6. Usage of Leave. Leave (once approved) may be used in hourly increments according to the employee's regular work schedule. However, if the payroll system in use by the Association will allow it, the minimum amount of leave usage shall be in increments of 15 minutes.
7. The Community Manager shall provide the President with quarterly written reports on vacation and sick leave usage by Association staff. The Community Manager may submit an email to the President in lieu of a formal written report as long as it contains the required information.
8. Advances of unearned vacation and sick leave (above the annual entitlement) must be requested in writing by the employee and approved in advance by the Board. All absences for extended periods (whether paid or unpaid) must be approved by the Board. The Community Manager shall provide his/her recommendation regarding approval to the Board in writing along with the employee's application.
9. Unless an employee is on approved sick or vacation leave, all eligible Association employees must work at least ten (10) hours in any week of a month to be eligible to accrue vacation leave, sick leave, and paid holidays during that month. The amount of sick and vacation leave hours accumulated per month is determined by dividing the number of sick/vacation days earned in a year of service by 12 months. The amount of leave hours equivalent to a "day" is based on the number of hours worked per day over the course of the past calendar year, e.g., a "day" for a 40-hour-per-week employee is eight (8) hours, and a "day" for a 35-hour-per-week employee is seven (7) hours. (NOTE: The leave accrual rates listed in Appendix A are based on this principle.)
10. Years of Service. For the purpose of computing an employee's leave accrual rate as specified in Appendix A, the term "years of service" include all periods of continuous full-time salaried employment with NFCA, including Board-approved unpaid time off for pregnancy or major illness, even though vacation and sick leave do not accumulate except as specified in this resolution. Previous Association service as a full-time salaried employee is creditable service for this purpose. Promotion of an employee (from a lower-graded position to a higher-graded position) has no effect on their cumulative years of service with the Association for the purpose of this resolution.
11. Exception to Maximum Vacation Leave Carryover Policy Resulting from COVID-19.
 - a. In view of the extraordinary impact of the COVID-19 pandemic on the Association and its employees, the maximum carryover limit that would normally apply on January 1, 2021 for vacation leave balances (see Appendix A) is suspended on a one-time-only basis; the vacation leave in excess of the normal carryover limit shall be placed into a special "restored vacation leave" account. The normal carryover limit for vacation leave

(other than vacation leave restored under this exception) shall apply to any excess vacation leave as of January 1, 2022 and subsequent years.

b. The Community Manager shall coordinate with the Association's payroll provider concerning the administration of restored vacation leave accounts. If the payroll provider is unable to track and record restored leave under their existing procedures, the Community Manager shall implement internal procedures to manually track usage of restored vacation leave by each affected employee.

c. Affected employees shall have until December 31, 2022 to use restored vacation leave. On January 1, 2023, any vacation leave restored under this policy that has not been used shall be forfeited.

d. The Community Manager shall provide monthly reports to the Board on the usage of and balances remaining of such restored leave for each affected employee until the leave is either used up or forfeited.

e. There is no cash surrender value for vacation leave restored to an employee as a result of this exception to policy.

f. Employees with restored vacation leave are individually responsible for the management and use of the vacation leave they accrue in addition to any restored vacation leave. The Board shall have sole discretion in determining whether to continue, modify, or revoke this policy.

g. This exception to policy is not applicable to the usage and carryover of sick leave by Association employees.

12. Policy on Excused Absences. The Community Manager shall have the authority to grant brief excused absences to an employee who is unavoidably or necessarily absent from work for periods of less than an hour. In the case of the Community Manager, this authority may be exercised by the President of the Association Board of Directors.

13. Unapproved or unexcused absences, as well as knowingly providing false or fraudulent information in support of requests for sick leave, may become the basis for disciplinary action, up to and including termination.

B. Policy on Family-Medical Leave

The Association (due to its limited number of employees) is exempt from coverage under the Family and Medical Leave Act of 1993 (FMLA – Title 29, United States Code, Chapter 28). However, as a matter of policy, the Association intends to honor requests from employees for unpaid leave for the purposes that would be allowable under the FMLA. This provision shall apply ONLY when the employee is otherwise entitled to earn and use leave (see A.1.) and does not have any paid leave available for use (to include advances of vacation and sick leave as described in A.8.).

While the Association genuinely desires to assist any employee needing to request extended absences for the purposes covered by the FMLA, the Association reserves the right to limit the length of such absences and may impose other requirements and conditions, based on the needs of the Association, as long as these requirements and conditions are otherwise lawful. As with other types of extended absences from work, FMLA requests from employees require

the approval of the Board (see A.8.).

C. Holidays and Other Office Closures:

1. The following Federal holidays are paid holidays for the Association’s full-time (salaried) employees:

New Year’s Day
Martin Luther King, Jr. Day
Presidents’ Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day

2. The dates on which these holidays fall (and are observed) are normally published well in advance and are available by consulting the U.S. Office of Personnel Management (OPM) website at <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/>.
3. In cases where the holiday falls on a weekend (Saturday or Sunday) when the Association office is normally closed, the holiday will be observed on the day it is observed by Federal agencies in the Washington D.C. metropolitan area.
4. Whenever there is any other basis to close the Association office outside of the holidays named in Section C.1 (such as but not limited to “snow days”, weather-related emergencies, natural disasters, etc.), the Community Manager shall obtain the approval of the President (or as otherwise specified in Section A.4.a of this resolution) before closing the office, taking safety concerns (for Association employees) and owner/resident needs for Association services (such as coordination with snow removal contractors and public safety authorities) into account.
5. The Community Manager shall ensure that office closures (including the holidays listed in Section C.1, the events listed in C.4, and normally-scheduled weekend closures) do not interfere with the Association’s obligation to coordinate with public safety authorities, snow removal contractors, etc.

D. Pool Use Policy

If an employee is an owner or resident with pool privileges extended by the owner, the employee and their family members must obtain regular pool passes and follow the policies and procedures listed in Policy Resolution No. 6, “Pool Rules.”

If an employee is not an owner or resident with pool privileges extended by the owner, the employee and their immediate family members (spouse or equivalent, and all of their children) may use the pool. Use of the pool is limited to the employee's immediate family members.

E. Statement of Intent

This resolution (and the policy expressed therein) is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Association, its officers, employees, or agents, or any other person.

Leave Accrual Rates for NFCA Employees

If an employee of the Association complies with the procedures outlined in **Section A** of this policy, they are eligible to earn the following amounts of vacation and sick leave in any calendar year:

<u>Position</u>	<u>Years of Service</u>	<u>Vacation</u>	<u>Sick</u>
<u>Salaried Employees</u> (40 hours per week)	Less than 3	80 hours	48 hours
	Greater than 3 but less than 15	120 hours	48 hours
	15 or more	160 hours	48 hours
<u>Salaried Employees</u> (35 hours per week)	Less than 3	70 hours	42 hours
	Greater than 3 but less than 15	105 hours	42 hours
	15 or more	140 hours	42 hours
<u>Salaried Employees</u> (35 hours per week – <i>covered by policy in Appendix B</i>)	15 or more	140 hours	84 hours
<u>Part Time Employees</u>	Not Applicable	None	None

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Maximum Carryover of Vacation and Sick Leave – by January 1 of each calendar year

	<u>Vacation Leave</u>	<u>Sick Leave</u>
<u>Salaried Employees</u> (40 hours per week)	Not to exceed 40 hours	Not to exceed 120 hours
<u>Salaried Employees</u> (35 hours per week)	Not to exceed 35 hours	Not to exceed 105 hours
<u>Salaried Employees</u> (35 hours per week – <i>covered by policy in Appendix B</i>)	Not to exceed 35 hours	Unlimited
<u>Part Time Employees</u>	Not Applicable	Not Applicable

**Special Sick Leave Accrual and Accumulation Policy for
the Assistant Community Manager**

1. As of the date of publication of this resolution, the current Assistant Community Manager is a “grandfathered” employee, meaning that previous and the current NFCA Boards of Directors allowed this employee, in view of the employee’s length of service and other factors, to retain certain benefits resulting from past policies adopted by previous Boards. Those policies have since been rescinded and are no longer applicable to any other employee of the Association.
2. The policies established in **Section A** of this resolution for the earning, use, and accumulation of vacation leave are fully applicable to this employee as of January 1, 2015.
3. **Sick Leave.** This employee earns 12 days (84 hours) of sick leave per year.¹ Unused sick leave (hours) accumulate from year to year without limitation. If the employee is terminated for any reason, including but not limited to retirement, resignation, or other basis, there will be no cash surrender value for any accumulated sick leave remaining in the employee’s leave account.
4. The policies identified in this Appendix shall cease to exist upon the termination of employment of the “grandfathered” Assistant Community Manager.

¹ Based on a 7-hour-per-day (35 hours per week) workweek.