



Terms and Conditions for Employee Manual Clauses

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EMPLOYEE LEAVE BENEFITS

Example 1

Personal Leave

A personal leave of absence/voluntary time-off without pay may be granted when an emergency or personal crisis demands an associate's time or presence off the job. Leave will be granted on an individual basis at the sole discretion of [company] taking into consideration the purpose of the leave, the associate's work record, the length of the leave requested and the needs of the location at that particular time.

Generally, an associate must be completed twelve (12) consecutive months of service, and be in good standing to be eligible for a Personal Leave of Absence/Voluntary Time-Off. If the Federal Family and Medical Leave Act (FMLA) and/or state or local FMLA analogous leave law is applicable to the leave sought, and the associate is eligible for FMLA (and/or state or local statutory) leave, the associate must first exhaust all applicable FMLA and state and local statutory leave before he/she is eligible for a Personal Leave of Absence/Voluntary Time-Off.

Family Medical Leave

[Company] recognizes associate's desire to balance work and specific family issues or needs. [Company] will grant time-off, without pay, to all eligible associates for certain family and medical reasons. The Family and Medical Leave Act (FMLA) allows eligible associates to take up to twelve (12) weeks of job protected leave in a twelve (12) month period. This rolling period is measured backward from the date the leave is used.

Notice of Approval of Leave

Associates are required to complete a Family and Medical Leave Act Request form. Requests shall be submitted to the associate's department head and the General Manager for approval. The Request form should be submitted thirty (30) days in advance of the effective date of the leave. If the leave is unanticipated, the associate must give as much advance notice as possible. The company has the right to designate a leave such as a FMLA leave and any leave under any applicable state or local leave statute.

Military Leave

[Company] will provide benefits and job protection to those individuals serving in the military in accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). A regular associate who is inducted or enlists in the armed forces of the United States or who serves as a member of a reserve component of the armed forces will be granted a Military Leave of Absence if needed.

Voting Time

[Company] considers voting in local, state and national election to be a civic duty. Normally, associates should be able to vote on their own time, either by voting before or after their shift or by obtaining an absentee ballot. In the unusually case that an associate cannot vote through these methods, upon request he/she shall be given time off in accordance with applicable law.

The associate's supervisor will decide when during the shift, the associate will be released to vote, unless regulated by state law. To minimize staffing problems, associates should provide advance notification of the need for time off to vote.

Jury/Witness Duty

[Company] considers jury and witness duty a civic responsibility and will not discriminate against any associate who is called to serve as a juror or witness. Jury duty pay should be the difference between the associate's regular wage and the compensation received as a juror for each working day missed because of jury duty. Jury duty and wages are not considered hours worked for the purpose of overtime calculations.

Example 2

Family and Medical Leave (FMLA)

Under federal law, eligible associates can arrange to take up to twelve weeks of unpaid leave per year for the following reasons:

- (i) To care for the associate's new born child or a child for adoption
- (ii) To care for an associate's child, spouse or parent who is seriously ill
- (iii) Because of the associate's own serious illness which prevents him/her from performing essential functions of his/her job.

Special eligibility requirements and other rules apply to the taking of unpaid leave under the FMLA. Please direct questions about eligibility for this leave or any other issues about the FMLA to the Human Resources department.

Military Leave

Associates entering military service of the United States should be provided all rights guaranteed by the Universal Military Training Act. Members of the Armed Forces Reserves required to attend the customary two week training program held annually should be granted a leave of absence, without pay, for the period required. A written request by the Commanding Officer of the unit or a copy of the official orders must be submitted to your Human Resources Department.

Jury Duty

Jury duty leave will be granted to associates who are called upon to serve on a jury or are subpoenaed to testify as a witness in a court proceeding. Jury duty leave pay is limited to a maximum of eight hours per day, 120 hours per calendar year. Unpaid leave typically will be granted for jury or witness duty that exceeds 120 hours per day.

Certification of hours served and compensation received must be presented to your supervisor and the human resources office before your absence, any difference will be paid. Lying or inaccurate reporting by an associate about jury or witness duty may result in discipline, up to and including termination.

Example 3

Paid leave (vacation)

[Company] offers paid vacation to all its full-time and regular part-time employees.

To be eligible for paid vacation, an employee must have worked for one full year.

For full-time employees, the following is the breakdown of the vacation period based on the number of years worked for the company:

Number of years worked:	Paid Vacation period per year:
1-2 years	One week
2-5 years	Two weeks
6 years and over	Three weeks

For all regular part-time employees, paid vacation is calculated on a formula which is based on the number of hours they have worked over their employment year. The constant rate would be .0192 hours of vacation for every hour worked. So, for an employee working 25 hours a week for 52 continuous weeks, the vacation earned would be 25 hours (1300 hrs x .0192)

No vacation time can be carried over from one employment period to another. If the vacation time is unused, monetary compensation for the time can be requested (at least 45 days in advance). However, this option is available only twice consecutively.

Vacation time accumulated until termination period would be paid off in the last paycheck.

Personal leave of absence

[Company] expects all its employees to exhaust their paid vacation/ leave before requesting for personal leave of absence which is unpaid. An application for leave has to be filed with the Human Resource Department and a copy has to be provided to the supervisor as well. The application should indicate the length of the leave and the purpose.

All insurance costs during the leave period have to be borne by the employee. The company cannot guarantee the availability of the job upon the return of the employee, if it exceeds 30 days.

FMLA

[Company], in accordance to the Family Medical Leave Act as governed by the federal law, enables employees to take up to 12 weeks of unpaid time off to care of their child, spouse, parent or their own medical condition. To be eligible, the employee must have worked a minimum of 1500 hours in the past 12 months. In order to apply for FMLA leave, the employee must once again complete a form with the Human Resource development and if the condition is medical, provide some documentation as proof. If possible, the employee should try to give a notice of 30 days.

However, please note that before applying for the FMLA, the employees must have exhausted all their vacation period.

Sick and Disability leave

A medical leave of absence can be granted to an employee for a maximum of 26 weeks and this includes any paid vacation period and any previously assigned FMLA leave. The employee would need to provide full documentation from a licensed medical doctor to the Human Resource Department. [Company] reserves the right to recommend any physician as deemed suitable by us to verify the status of the employee's condition. The coverage for the health and insurance would be continued to be offered by the company, however it is the responsibility of the employee to make timely payments of the premium.

After the period of 26 weeks, the employee may be reinstated to their position, unless their medical condition deters them from conducting the essential elements of the job. Once again, a medical certificate is required

detailing the status of the employee and their ability to complete their job tasks. [Company] will try its best to accommodate the employee's condition and try to find some other position in the hotel to suit their medical situation, however if none of the measures work, the employment may be terminated unless an extension period is authorized by the federal or state law.

Jury Duty/Military Leave

Employees will be granted paid time off to serve on a jury or military leave up to a period of 15 days. No paid time will be given, if the court appearance is of any personal nature. If vacation period is to be utilized for this purpose, then it should be arranged in advance with the supervisor. Due to this requirement it is necessary that a copy of the jury duty or military summons and all other associated paperwork be submitted in records in the personnel file

All employees will be kept on the active payroll until their civic duties have been completed and be assured to receive at least the same level of pay before their absence.

Example 4

Jury Duty

Any regular salaried team member who must serve jury duty will be paid regular pay with no deductions for this time off. The amount paid by the court to [company] team member will not be deducted from his/her pay. Hourly team members will receive pay equivalent to 40 hours of work. If the team member works part time during the week, his/her pay will still jury duty time. The team member's pay will be for 40 hours plus any time worked over 40 of work to be paid at rate plus one-half rate.

Funeral Leave

In the event of a death in a team member's immediate family, including grandparents, parents, spouse, children, and siblings, [company] will pay the team member for up to 3 days leave (8 hours/day). Supervisors should be notified immediately.

Leaves of Absence

A leave of absence for cause may be granted by [company] provided it does not seriously disrupt operations. A request for leave of absence will be presented by the team member to their supervisor in writing. An illness or accident not connected with employment, which requires staying away from work more than five consecutive days, will require a leave of absence. A leave of absence will also be granted for death in a team member's immediate family (wife, husband, parents, or children) of not to exceed five days without pay. A team member who fails to report for work the first workday after the expiration of this leave will be considered to have quit. Holiday pay will not be paid for a holiday which occurs during a leave of absence. A team member returning from a leave of absence will be returned to his/her former job position, if practical.

Example 5

Family Medical Leave Act

The following is intended as a brief overview of your rights and obligations under the Family Medical Leave Act (FMLA). The FMLA is intended to provide up to twelve (12) weeks time off without pay during a leaver

year to eligible employees in accordance with the FMLA. To qualify for Family and Medical Leave, the employee must meet all of the following conditions:

- ② Have at least twelve (12) months, need not be consecutive, of service at [company]
- ② Have worked at least on thousand, two hundred and fifty hours (1250) during the twelve months immediately preceding the date the requested leave is to begin
- ② Have a qualifying reason for taking Family and Medical Leave
- ② Have a remaining balance of Family and Medical Leave

A qualifying reason for a Family and Medical Leave is any of the following:

- ② The birth of the employee's child and in order to care for the newborn child
- ② The placement of a child with the employee for adoption or foster care
- ② To care for the employee's spouse, child or parent who has a serious health condition
- ② The serious health condition as defined by the Department of Labor that renders the employee incapable of performing the functions of his or her job

Example 6

Sick Leave

All full-time, permanent employees accrue one half day of sick leave for every fifty hours worked, beginning at the end of the first month of employment. No more than 6 days of sick leave may be accrued.

Salary equivalent will not be paid in compensation for untaken sick leave. Sick leave may be taken only for bona fide illness, medical visits or pregnancy.

Personal Leave

An employee may request up to five days per year of personal leave for such emergencies as family illness or funerals. The employee's supervisor will decide if such leave may be granted. In such cases the time absent from the job will be paid but will not count against the employee's vacation time or sick leave.

Jury Duty

Employees will be excused to serve jury duty with documentation from the courts. Time absent to serve jury duty will be paid at full salary.

Example 7

Family and Medical Leave Act

Under the Family and Medical Leave Act (FMLA), if an employee has worked for [company] for at least one year and for a minimum of 1,250 hours over the previous 12 months, the employee is eligible to take up to 12 weeks of unpaid, job-protected leave in a 12 months for the following family and/or medical reasons: ② For the care of employee's child within one year of her/his birth or placement for adoption or foster care.

- ② For the care of employee's spouse, child or parent who has a serious health condition
- ② For a serious health condition that makes the employee unable to perform the essential functions of his/her job.

The 12-month period used in calculating leave eligibility will be the 12 months rolling backward from the date of the desired FMLA leave.

An employee must provide [company] with 30 days of advance notice when the need for leave is foreseeable. Also, he/she should provide sufficient information to determine if a requested leave qualifies as an FMLA leave, including medical certification to support a request for leave due to a serious health condition. In certain circumstances, an employee may be able to take intermittent leave or work a reduced schedule.

During leave, [company] will continue to provide an employee with medical coverage under its group health plan, provided that the employee pays contribution to the plan's cost. If an employee fails to pay a contribution within 30 days of the due date, an employee's medical coverage will cease for the duration of his or her leave.

Military Leave

If an employee is a regular, full time employee and enters full time military service, he/she will be granted a military leave of absence without pay. Upon the return, [company] will provide job reinstatement and benefits as defined in the 1994 Veterans Reemployment Right Law.

Jury Duty

If an employee is summoned for jury duty after 90 days of full time employment, the employee should notify the general manager immediately and will receive the difference between 10 days. If the employee is excused from jury duty before the end of a normal shift, he/she should return to work.