DEFINITIONS

The term “immediate family” is defined as:

FAMILY

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee’s household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

FAMILY EMERGENCY

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

LEAVE DAY

A “leave day” for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

REGULAR EMPLOYEE

The term “regular employee” shall include all employees who work at least 20 hours per week and are hired to work four and one-half months or more in a fiscal year.

SUPERVISOR

A “supervisor” is the administrator authorized to approve and sign absence from duty reports for a campus or department.

CATASTROPHIC ILLNESS OR INJURY

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

AVAILABILITY

The District shall make state personal leave for the current year available for use at the beginning of the school year.

For exempt employees, local sick leave shall be made available as earned through June 30 of the first year of employment. For each

subsequent year, local sick leave for that year shall be made available for use as of July 1.

For nonexempt employees, local sick leave shall be made available as earned.

EARNING LOCAL SICK LEAVE

An employee shall not earn any form of local sick leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

DEDUCTIONS

LEAVE WITHOUT PAY

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

LEAVE PRORATION

If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.

EMPLOYED FOR LESS THAN FULL YEAR

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:

1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
2. Local leave that an exempt employee used but had not earned as of the date of separation.

EMPLOYED FOR FULL YEAR

If an exempt employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

RECORDING

Leave shall be recorded in accordance with administrative regulations.

ORDER OF USE

Earned compensatory time shall be used before any available paid state and local leave. [See DEA]

Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:

1. Local leave.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.

4. Vacation/nonscheduled workdays.

Use of sick leave bank days shall be permitted only after all available state and local leave has been exhausted.

CONCURRENT USE OF LEAVE

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

MEDICAL CERTIFICATION

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

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***Note:*** For District contribution to employee insurance during leave, see CRD(LOCAL).

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STATE PERSONAL LEAVE

The Board requires employees to differentiate the manner in which state personal leave is used:

NON-DISCRETIONARY USE

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

   Non-discretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

DISCRETIONARY USE

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

LIMITATIONS

REQUEST FOR LEAVE

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program (i.e., the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for state-mandated assessments, or professional or staff development days) or District operations, as well as the availability of substitutes.

DURATION OF LEAVE

Discretionary use of state personal leave shall not exceed three consecutive workdays.

LOCAL SICK LEAVE

All employees shall earn paid local sick leave days each school year in accordance with administrative regulations.

Local sick leave shall accumulate without limit.

Local sick leave shall be used according to the terms and conditions of state sick leave accumulated prior to the 1995–96 school year. [See DEC(LEGAL)]

An employee's local sick leave balance shall be reduced to zero upon termination or at the end of the contract period in the year termination occurs, whichever comes first.

FAMILY AND MEDICAL LEAVE

TWELVE-MONTH PERIOD

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.

COMBINED LEAVE FOR SPOUSES

If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

INTERMITTENT OR REDUCED SCHEDULE LEAVE

The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

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| CERTIFICATION OF LEAVE | If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)] |
| MEDICAL CERTIFICATION | If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice. |
| END OF SEMESTER LEAVE | If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), LEAVE AT THE END OF A SEMESTER] |
| FAILURE TO RETURN | If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST] |
| TEMPORARY DISABILITY LEAVE | Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.] Temporary disability leave shall be used concurrently with all other types of leave.<br><br>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave. |
| WORKERS' COMPENSATION | An employee who suffers a work-related injury or illness and who must be off work due to the injury or illness shall be governed by applicable provisions of the Workers' Compensation Act and the FMLA.<br><br>An employee receiving workers' compensation wage benefits may elect to receive accrued paid leave benefits, whether or not such employee is on FMLA leave. If such an election is made by the employee, the District shall pay the difference between the weekly income benefit received under workers' compensation and the employee's regular weekly compensation and shall charge leave proportionately.<br><br>[See also CRE(LEGAL)] |

An employee whose accumulated leave is exhausted prior to or during an absence for a work-related injury or illness shall be placed on an unpaid leave of absence. Except while on FMLA leave, the employee shall be responsible for full payment in advance of all premiums for insurance benefits during such leave of absence. [See CRD(LOCAL)]

Upon release from workers' compensation for regular or accommodated duty, the employee must request reinstatement of employment in writing. The request must be accompanied by a physician's statement certifying the employee's fitness to return to work. If the release is for an accommodated-duty position, the return to work shall be coordinated by the risk management department.

Except as required under the temporary disability law, an employee released from workers' compensation shall be considered for a position for which the employee is qualified, provided such a position is available. If no position for which the employee is qualified is available at the time the employee requests reinstatement, the employee shall be considered for a subsequent vacancy.

Failure of an employee to report to the District upon release from workers' compensation leave within three days or refusal to accept an offered position shall constitute resignation.

COURT APPEARANCES

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay if he or she does not have a personal leave balance.

Absences for court appearances in which an employee is required to respond to a lawfully issued court subpoena, whether for personal or District business, shall be treated as though the employee is attending work and shall not be deducted from personal leave. A copy of the lawfully issued court subpoena must be provided to the employee's immediate supervisor prior to the time the employee is required to appear in court. Personal leave shall not be deducted only for the period of time for which the employee is required to complete his or her court appearance in compliance with the subpoena, and any leave from work taken after completion of the court appearance shall be subject to normal deductions.

BEREAVEMENT (FUNERAL LEAVE)

Use of state and/or local leave for death in the immediate family shall not exceed ten leave days per occurrence, subject to the approval of the District.

RELIGIOUS OBSERVANCES

An employee requesting to attend a religious observance on a regularly scheduled school day may use discretionary leave. In the event that all discretionary leave has been used, deductions from

the employee's salary shall be made on the basis of the employee's daily rate of pay.

PARENTAL LEAVE

An employee who qualifies for FMLA leave and who becomes a parent through either childbirth or adoption may be granted a parental leave of absence without pay for a maximum of 180 calendar days. This leave shall be used concurrently with all other types of leave. When both parents are employed by the District, only one employee shall be eligible for this parental leave [see COMBINED LEAVE FOR SPOUSES, above]. In cases where the leave begins during a semester, the expiration date may be extended to coincide with the beginning of a new school year.

BIRTH

An employee who gives birth may use accumulated sick leave only for the period of convalescence as determined by a physician. Personal leave, local sick leave, and vacation days may be used concurrently with FMLA leave or temporary disability leave, when applicable. When paid leave is exhausted, the employee shall be on leave without pay.

ADOPTION

An employee who adopts a child shall be eligible for parental leave. The employee may use any combination of accumulated vacation days, state personal leave, and local sick leave during the bonding process, up to a maximum of 20 days. Thereafter, the employee shall be on leave without pay.

LEAVE FOR ADVANCED ACADEMIC PREPARATION

A one-year, unpaid leave of absence for advanced academic preparation may be granted by the Board upon recommendation of the Superintendent after completion of two consecutive years of employment in the District. An employee shall submit a written request prior to June 1 for a leave period occurring during the next school year. Any exception to this requirement must be approved by the Superintendent or designee. In addition, the employee must be enrolled in an approved graduate program for a minimum of nine hours during each of the fall and spring semesters. An approved advanced degree plan shall be on file in the District's personnel office. The Superintendent or designee shall recommend approval of the leave to the Board if the employee meets the criteria and has been recommended by the principal.

The employee must notify the executive director of personnel in writing by March 1 of the year in which the employee is on leave of whether or not the employee plans to return to his or her position in the District.

After completion of the leave, the employee shall be assigned to the same campus provided a vacancy is available in an area for which the employee is certified. All accrued benefits shall be re-

tained. Should the employee fail to give notice of intent to return, a position shall not be held, and benefits shall be forfeited.

During the leave of absence for advanced academic preparation, the employee may continue participation in the employee health-care program by paying premiums in advance. [See CRD(LOCAL)]

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***Note:*** The provisions in the following section of the policy shall be made available in accordance with Settlement Agreement in Cause # 88-CI-05587, in the 150th Judicial District, Bexar County, Texas, August 1989.

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DEVELOPMENTAL LEAVE OF ABSENCE FOR EMPLOYEE ORGANIZATION PRESIDENTS

Employees serving as employee organization presidents shall be granted an unpaid leave of absence pursuant to Education Code 21.452. During such leave, no federal or state tax contributions shall be made for those employees. Such leave shall be for one year, renewable for one additional year.

An employee on such a developmental leave shall continue to be a member of the Teacher Retirement System of Texas (TRS) and shall be an employee of the District for purposes of participating in programs, holding memberships, and receiving benefits afforded by employment in the District.

The following guidelines shall apply to employee organization presidents requesting developmental leave of absence:

1. Requests for such leave shall be filed in writing with the Superintendent at least one month prior to the beginning of the leave. Requests to extend the leave for a second year shall be filed no later than April 15 of the year preceding the school year for which renewal is sought. The employee shall be given notice that the renewal is granted prior to April 15 of the year preceding the school year for which the renewal is sought.

2. An employee on continuing contract shall remain on continuing contract during the leave, without salary, and shall remain on continuing contract upon his or her return from leave, unless removed therefrom in accordance with provisions of Education Code 21.154 and other applicable statutes.

3. For the period of the developmental leave, the teacher on leave shall be responsible for making 100 percent of required contributions to TRS to establish teacher retirement credit for the period of leave.

4. Upon written request by the organization president, the District shall timely file with TRS a certification that the leave meets the requirements of Government Code 823.402.

5. The leave shall be considered continuous in-District teaching experience in the school and grade cluster to which the teacher was assigned in the year prior to the leave for purposes of assignment, reassignment, or transfer.

6. The teacher's performance for the year(s) on leave shall be considered to be the same as his or her performance in the year prior to leave, for all purposes not prohibited by state law.

7. A teacher returning from this leave shall be considered for placement to any position for which he or she is certified before other applicants are considered.

8. During the period of developmental leave, the employee shall be responsible for any and all payments directly to the District for maintenance of dental, health, disability, and life insurance premiums to the extent allowable under the applicable policies.

9. Upon return to the District following a developmental leave, the teacher shall receive no credit for the year(s) of leave for purposes of placement on the salary schedule.

10. Failure to notify the Superintendent of the intention to return to work at least 30 days prior to the expected date of return, or failure to report for duty at the expiration of a leave of absence or extension of a leave of absence, shall be grounds for dismissal in accordance with Board policy. [See DF series]

PERSONAL ILLNESS LEAVE

Any paraprofessional, auxiliary, or professional whose position does not require educator certification by the State Board for Education Certification (SBEC) or by the District, or a permanent part-time employee whose position requires educator certification by the SBEC or by the District, shall be eligible for personal illness leave. The maximum length of personal illness leave shall be 180 calendar days for a work-related or nonwork-related personal injury or illness. Personal illness leave shall be used concurrently with all other types of leave.

The employee may elect to continue, at his or her own expense, the District's group insurance plan according to COBRA guidelines. [See CRD]

Each application for such unpaid personal illness leave must be submitted in writing to the Superintendent and must include certification from a health-care provider of the employee's inability to perform work-related duties.

OTHER SPECIAL LEAVES

On a case-by-case basis and in light of the needs of the educational program of the District, the Superintendent or designee may grant an unpaid leave for a period not to exceed ten school days in cases not covered by any of the other leave provisions of this policy.

EMPLOYMENT FOLLOWING LEAVE

Employment following leave shall be determined based on the type of leave for which the employee qualifies.

All employees qualifying for leave under the FMLA shall be placed in a like or comparable position upon their release to return to work.

A professional employee who is under contract and who qualifies for temporary disability leave may return to a previously vacated position, subject to availability, upon release to return to work. If the position is unavailable, the employee shall be assigned to an alternate position no later than the beginning of the next school year. For the duration of time a position is unavailable, the employee shall remain in an unpaid status after exhausting available leave.

Employees qualifying for personal illness leave may return to a previously vacated position, subject to availability, upon release to return to work. If the position is unavailable, the employee's name shall be placed on the substitute roster, if any, and the employee shall be considered for a subsequent vacancy along with other applicants.

CATASTROPHIC SICK LEAVE BANK

The District has chosen to provide a catastrophic sick leave bank for all personnel earning sick leave benefits from the District. The purpose of the bank shall be to provide additional sick leave days to members of the bank in the event of an unexpected extended critical illness, surgery, or disability due to an injury. Days shall be requested from the bank only after a member has exhausted all accumulated leave and compensatory time off.

The Superintendent shall develop administrative regulations to govern the operation of the sick leave bank.

REIMBURSEMENT FOR LEAVE UPON SEPARATION

Upon resignation from the District, an employee with ten consecutive years of service in the District immediately preceding the effective date of his or her resignation and who is eligible to receive benefits from TRS shall be entitled to reimbursement for any unused local and state personal or sick leave earned in the District.

For leave earned prior to July 1, 2005, the rate of reimbursement shall be equivalent to one-half of the employee's daily rate of pay at the time of resignation up to a maximum of $40 per day for the first 80 days. For days accumulated beyond 80, the employee shall be reimbursed at one-fourth of his or her daily rate of pay at the time of resignation to a maximum of $20 per day.

For leave earned on or after July 1, 2005, the reimbursement rate shall be one-half the daily rate of pay at the time of resignation up to a maximum of $75 per day for the first 80 days. For days accumulated beyond 80, the employee shall be reimbursed at one-fourth of his or her daily rate of pay at the time of resignation to a maximum of $65 per day. For the purpose of determining the number of days to be reimbursed, the District shall use the leave balances as earned upon the effective date of resignation.

Upon reimbursement, the unused portion of the local sick leave balance shall be zeroed out, but the unused portion of the state personal and sick leave balances shall remain intact.

In the event of an employee's death, the reimbursement shall be paid to the estate of the employee if the employee had ten consecutive years of service immediately preceding the employee's death, and the employee was eligible to receive benefits from TRS.