

**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, grandchild, step-grandparent, and step-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.

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 and local leave for the current year available for use at the beginning of the school year.

**Earning Local Leave**

An employee shall not earn any local 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.

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**Leave Proration**  
*Employed for Less Than Full Year*

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.

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 the employee used but had not earned as of the date of separation.

*Employed for Full Year*

If an 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 as follows:

1. Leave shall be recorded in half-day increments for all employees.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

**Order of Use**

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

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

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

**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 three consecutive work-days 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 or District operations, as well as the availability of substitutes.

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Duration of Leave	Discretionary use of state personal leave shall not exceed five consecutive workdays.
<b>Local Personal Leave</b>	<p>All employees in positions normally requiring ten, 11, or 12 months of service per year shall earn two paid local leave days per school year, in which payroll deductions apply, in accordance with administrative regulations at a rate set by the Board.</p> <p>Additionally, employees in positions normally requiring 11 months of service shall receive one paid local personal leave day per year with no payroll deduction, and employees in positions normally requiring 12 months of service shall receive two paid local personal leave days per year with no payroll deduction.</p> <p>Local personal leave shall be noncumulative. Local personal leave not used each year shall accumulate as extended local sick leave.</p> <p>Local personal leave shall be used according to the terms and conditions of state personal leave; however, an amount established above by the District shall be deducted for the first two days of local personal leave taken. [See STATE PERSONAL LEAVE, above]</p>
<b>Extended Local Sick Leave</b>	<p>Effective one year from the date of initial employment, all employees shall be granted in a school year a maximum of 20 leave days of extended local sick leave in accordance with administrative regulations.</p> <p>Extended local sick leave shall be available for use over the course of the employee's service with the District. Unused local personal leave converted to extended local sick leave shall accumulate without limit.</p> <p>Extended local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year; however, for each day of extended local sick leave used, a deduction shall be taken based on a rate set by the Board. [See DEC(LEGAL)]</p>
<b>Sick Leave Pool Administration</b>	<p>The sick leave pool is a benefit to assist employees in dealing with a catastrophic illness or injury that forces them to exhaust paid leave and would otherwise result in a loss of income. The sick leave pool program allows employees to voluntarily donate accrued state personal leave to another employee.</p> <p>The assistant superintendent of finance shall administer the sick leave pool program and shall be responsible for receiving and granting requests and processing donation of sick leave pool days.</p>

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Employees who wish to appeal the decision of the sick leave administrator shall follow the employee grievance process outlined in DGBA.

An annual, statistical report showing requests, donations, and usage shall be presented to the Superintendent and the Board.

Eligibility and  
Donations

All full- and part-time regular employees shall be eligible to request establishment of a sick leave pool. For purposes of the sick leave pool program, a regular employee shall be defined as an employee who is required to work more than four and one-half months each fiscal year. Days donated and used by part-time employees shall be prorated according to their regular work schedules.

An employee with a catastrophic illness may request that a sick leave pool be created when a qualifying event occurs. An employee shall exhaust all other available leave days, compensatory time, vacation days, and non-duty days before applying for sick leave pool days.

Individuals may donate one day per pool, with a maximum of three days per fiscal year.

A signed statement indicating the number of accrued days the employee wishes to donate to the pool shall be submitted to the assistant superintendent for finance. All donations shall be made in half-day increments.

The donation of leave to a sick leave pool is voluntary on the part of the donor. Employees may not solicit fellow employees for donations.

Donated days pledged to the pool shall not be available for use by the donor. Donated leave shall be applied to an individual pool in the order in which donor forms are received. Days pledged but not used by the recipient shall be returned to the donors at the end of the fiscal year.

Qualifying  
Conditions

Only absences due to the employee's catastrophic illness or injury or the catastrophic illness or injury of a member of the employee's immediate family shall be covered by the sick leave pool.

An employee shall submit a written request for sick leave pool days to the assistant superintendent of finance. A request shall be made within one month of the event. The assistant superintendent of finance shall notify the employee in writing regarding approval or denial of the request.

Requests for Sick  
Leave Pool Days

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An employee may be granted up to the maximum number of days contributed to the pool, not to exceed 60 days. A request for additional days may be considered if there is a continuing need. The maximum number of days granted for any one school year or incident is 120.

Any medical information provided shall remain confidential.

The names of all donors shall remain confidential.

Certification

Medical certification by a health-care provider as defined by the FMLA shall be submitted with a request for sick leave pool days.

Recertification of a medical condition shall be required every 90 days and/or when a request is made for additional sick leave pool days.

The District reserves the right to request a second opinion to certify the need for leave by a health-care provider designated by the District. The District shall assume the cost if a second opinion is required.

**Family and Medical  
Leave**

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.

Twelve-Month  
Period

Combined Leave for  
Spouses

If both spouses are employed by the District, the District shall not 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, nor shall the District limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent or  
Reduced Schedule  
Leave

The District shall not 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.]

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)]

Fitness-for-Duty  
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.

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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]
<b>Temporary Disability Leave</b>	<p>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.]</p> <p>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.</p>
<b>Workers' Compensation</b>	<hr/> <p><b>Note:</b> Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]</p> <hr/> <p>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.</p> <p>An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.</p>
<b>Court Appearances</b>	Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.
<b>Reimbursement for Leave Upon Retirement</b>	<p>The following leave provisions shall apply to state leave earned beginning on the original effective date of this program.</p> <p>An employee who retires from the District and the Texas Teacher Retirement System (TRS) shall be eligible for reimbursement for state leave earned while employed with the District under the following conditions:</p> <ol style="list-style-type: none"><li>1. The employee provides advance written notice of intent to retire at least 90 days before the last day of employment.</li></ol>

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2. The employee has at least one year of service with the District.
3. The employee has at least one day of available state leave.

The employee shall be reimbursed for each day of state leave at a rate established by the Board. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

Retire and rehire participants shall be paid under this policy upon leaving the District.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.