
Note: This policy addresses leaves in general. For provisions regarding the Family and Medical Leave Act (FMLA), including family and medical leave for an employee seeking leave because of a relative's military service, see DEBA. For provisions addressing leave for an employee's military service, see DEBB.

Transferability of Leave

An ESC shall accept personal leave accrued by an ESC employee as sick leave under state law by an employee who was formerly employed by the state.

A school or the state shall accept the sick leave accrued by an employee who was formerly employed by a regional education service center not to exceed five days per year for each year of employment.

Education Code 8.007

Pregnancy

Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. *29 C.F.R. 1604.10(b)*

Religious Observances

An ESC shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of ESC business. Such absence shall be without pay unless applicable paid leave is available. *42 U.S.C. 2000e(j), 2000e-2(a); Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60 (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F.2d 388 (10th Cir. 1984)*

Compliance with a Subpoena

An ESC may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. *Labor Code 52.051(a)*

Jury Duty

An ESC may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, an ESC shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror. *Education Code 22.006*

Use During Military Leave	An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. "Personal leave" includes personal or sick leave available under former law or provided by local policy. [See DEBB(LEGAL)] <i>Education Code 22.003(d), (e)</i>
Developmental Leaves of Absence	<p>*The board may grant a developmental leave of absence for study, research travel, or other suitable purpose to an employee working in a position requiring a permanent teaching certificate who has served in an ESC at least five consecutive school years.</p> <p>A developmental leave of absence may be granted for one school year at one-half salary or for one-half of a school year at full salary paid to the employee in the same manner, on the same schedule, and with the same deductions as if the employee were on full-time duty.</p> <p>An employee on developmental leave shall continue to be a member of the Teacher Retirement System of Texas and shall be an employee of an ESC for purposes of participating in programs, holding memberships, and receiving benefits afforded by employment in an ESC.</p> <p><i>Education Code 21.452</i></p>
Leave for Sick Foster Child	<p>*(Optional provision)</p> <p>An employer commits an unlawful employment practice under Labor Code, Chapter 21 if:</p> <ol style="list-style-type: none">1. The employer administers a leave policy under which an employee is entitled to personal leave to care for or otherwise assist the employee's sick child; and2. The leave policy does not treat in the same manner as an employee's biological or adopted minor child any foster child of the employee who:<ol style="list-style-type: none">a. Resides in the same household as the employee; andb. Is under the conservatorship of the Texas Department of Family and Protective Services.
Absence Control	<p><i>Labor Code 21.0595</i></p> <p>Uniform enforcement of a reasonable absence-control rule is not retaliatory discharge. For example, an ESC that terminates an employee for violating a reasonable absence-control provision cannot be liable for retaliatory discharge as long as the rule is uniformly enforced. <i>Howell v. Standard Motor Prods., Inc., 2001 U.S. Dist LEXIS 12332 (N. D. Tex. 2001) (Family and Medical Leave Act</i></p>

case); Specialty Retailers v. DeMoranville, 933 S.W.2d 490 (Tex. 1996) (age discrimination case); Gonzalez v. El Paso Natural Gas Co., 40 F.E.P. Cases (BNA) 353 (Tex. App.—El Paso 1986, no pet.) (sex discrimination case)

[Some employees may have protected status even after the expiration of all other leave. See DAA]