
Definitions—Family	<p>The term “immediate family” shall include:</p> <ol style="list-style-type: none">1. Spouse.2. Son or daughter, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands <i>in loco parentis</i>.3. Parent, stepparent, or other individual who stands <i>in loco parentis</i> to the employee.4. Any person who may be residing in the employee’s household at the time of illness or death. <p>For purposes of the Family and Medical Leave Act, the definition of “family” shall include only items 1, 2, and 3 on the above list.</p>
Definitions—Family Emergency	<p>The term “family emergency” shall be limited to natural disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.</p>
Definitions—Workday	<p>A “workday” for purposes of accumulation, use, or recording shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.</p>
Types of Leave	
State Personal Leave — Accrual	<p>Each employee shall earn state personal leave, at the rate of one-half a workday for each full calendar month, up to a maximum of five workdays each fiscal year.</p>
Local Sick Leave — Accrual	<p>Each full-time ESC employee shall earn one day of local sick leave for every 19 contract days beginning on the 96th day of the contract. Local sick leave shall accrue to a maximum of 60 days.</p>
Tenure Leave	<p>Each full-time ESC employee eligible for credit for a Teacher Retirement System (TRS) year will have earned one-half day of tenure leave at the end of August 31. On September 1, the ESC shall add one-half day for each year of continuous service with the ESC up to a maximum of 12 years or six tenure days. If an employee does not use the tenure leave during the contract year, the employee may choose to convert the leave to local sick leave or be paid an amount not less than \$100 per day.</p>
Professional / Sabbatical Leave	<p>Pending the recommendation of the Executive Director and approval by the Board, an unpaid professional/sabbatical leave may be granted to an employee with a minimum of two continuous years of employment with the ESC for formal study or instruction that will contribute to the employee’s professional growth and the best interest of the ESC. Professional/sabbatical leave shall not exceed one calendar year. In order for such leave to be granted, the employee shall be required to find a suitable replacement willing to work only for the period of leave being requested.</p>

- Sick Leave Pool** To the extent that employees contribute local sick leave days to a sick leave pool, each ESC employee may participate in a sick leave pool program under the following guidelines:
1. To use days from the pool, an employee shall have exhausted all paid leave benefits and unscheduled leave.
 2. Documentation of the need for the leave shall be provided by a health care provider.
 3. An employee who wishes to donate may contribute up to one day per year of local sick leave to the sick leave pool.
 4. An employee who applies to receive days from the pool shall cease to accumulate additional leave, either state or local, during the use of sick leave pool days.
 5. An employee may use a maximum of 30 days from the pool for personal or family illness.

A committee of ESC employees appointed by the Executive Director shall determine employee eligibility for sick leave pool days.

Transferability of Leave

All transferred leave shall be subject to the provisions governing the use of state personal leave. For employees hired by the ESC after September 1, 1997, the ESC shall accept the transfer of unused state sick leave earned by school district employees prior to May 31, 1995, and/or unused state personal leave accrued after September 1, 1997, by former school district employees; the ESC shall also accept the transfer of unused sick leave accrued after September 1, 1997, by former state agency employees. An employee may transfer no more than five days of unused state personal leave for each year of school district employment or days of state sick leave for each year of state agency employment.

A maximum of 60 days of state sick leave earned by school district employees prior to May 31, 1995, or state agency sick leave shall be accepted only as local sick leave.

Availability of Leave

Leave for the current year shall be available for use at the beginning of the fiscal year. Leave shall not be approved for more days than have accumulated in prior years plus any leave to be earned during the current fiscal year. For employees hired after the beginning of the fiscal year, leave shall become available as it is earned.

When an employee who has used more leave than he or she has earned ceases to be employed by the ESC, the cost of the unearned leave days shall be deducted from the employee's final paycheck. Employees shall be docked in accordance with the Fair Labor Standards Act.

Types of Personal Leave	Employees shall be required to differentiate between uses of state personal leave:
Discretionary	To be taken at the individual employee's discretion, subject to limitations set out below.
Non-Discretionary	To be used for personal illness, illness or death of a member of the employee's immediate family, or family emergency.
Use of Discretionary Leave	A written request for discretionary personal leave shall be submitted to the Executive Director or designee. In deciding to grant personal leave, the Executive Director or designee shall consider the effect of the employee's absence on the organization's business.
Use of Leave	For purposes of personal illness, illness or death in the immediate family, or family emergency, the following types of leave are available: <ol style="list-style-type: none">1. State personal leave.2. Local leave, including transferred state sick leave earned by school district employees or sick leave earned by state agency employees.
Medical Certification	An employee absent more than three consecutive workdays because of personal illness or because of illness in the immediate family may be required to submit medical certification of the illness. Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. [See DEB(LEGAL)]
Court Appearances	Absences for court appearances related to an employee's personal business shall be deducted from the employee's accumulated leave. However, an employee shall be granted leave with pay and without loss of accumulated leave for jury duty or compliance with a subpoena. The employee shall be required to present documentation of the service and shall be allowed to retain any compensation provided for jury duty.
Family and Medical Leave	For purposes of an employee's entitlement to family and medical leave, the 12-month period shall begin on the first day of the fiscal year.
Concurrent Use of Leave	The ESC shall require employees to use family and medical leave concurrently with available paid leave.
Combined Leave for Spouses	If both spouses are employed by the ESC, family and medical leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks as determined by the Executive Director.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEB
(LOCAL)

Intermittent Leave for Child Care	Use of intermittent family and medical leave shall not be permitted for the care of a newborn child or upon the adoption or placement of a child with the employee.
Certification of Serious Health Condition	Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, and at 30-day intervals thereafter, the employee shall provide medical certification of the illness or disability.
Medical Release	The employee's request for reinstatement following family and medical leave shall be accompanied by medical certification of the employee's ability to perform essential job functions.
Workers' Compensation	<p>An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.</p> <p>An employee eligible for workers' compensation wage benefits shall indicate whether he or she chooses to:</p> <ol style="list-style-type: none">1. Receive workers' compensation wage benefits; or2. Use available paid leave. Workers' compensation wage benefits shall begin when:<ol style="list-style-type: none">a. Paid leave is exhausted;b. The employee elects to discontinue use of paid leave; orc. Leave payments are less than the employee's pre-injury average weekly wage.