

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

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.

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.

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.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

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 half-day increments.

Order of Use

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

Use of sick leave pool 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 concurrently with FMLA leave.

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;

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

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)]

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

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)]

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.

Duration of
Leave

Discretionary use of state personal leave shall not exceed two consecutive workdays, with the exception of leave approved in accordance with administrative regulations.

Additional
Restrictions

Discretionary use of leave shall not be allowed on days scheduled for state-mandated assessments.

A maximum of two leave days per school year shall be allowed for discretionary use of leave that is requested on the day before or after a school holiday, days scheduled for local assessments at the end of a semester or end of the school year, and on professional and staff development days. The employee's supervisor or designee shall grant or deny such requests in accordance with REQUEST FOR LEAVE, above.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Once the employee has been approved for and used two leave days for discretionary purposes on any of the types of days listed, the employee shall be docked his or her full daily rate if the employee is subsequently absent on one of these days.

Local Leave

All employees, with the exception of substitutes and student workers, shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate to a maximum of 20 leave days and shall be taken with no loss of pay. An employee shall not be paid for unused local leave upon resignation, retirement, nonrenewal, or termination of employment.

Local leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]

Sick Leave Pool

An employee who has exhausted all paid leave and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate local leave for use by the eligible employee.

If the employee is unable to submit the request, a member of the employee's family or the employee's supervisor may submit the request to establish a sick leave pool.

An employee may donate up to a maximum of two local leave days in any school year. Each donation shall be in increments of one full workday.

Each request to establish a sick leave pool shall be limited to a maximum of 20 leave days.

The pool year shall run from September 1 through August 31. When the pool ceases to exist, unused days shall be returned to the donors in full-day increments. The first donated day shall be considered the first leave day used by the eligible employee.

**Bereavement
(Funeral) Leave**

Use of state and local leave for the death of a member of the employee's immediate family shall not exceed five workdays per occurrence, subject to the approval of the immediate supervisor.

Other Absences

Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided. [Also see DED and DMD]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Family and Medical Leave	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.
Twelve-Month Period	
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 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.
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	<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>

**Workers'
Compensation**

Note: 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.]

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.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

Court Appearances

Absences for court appearances related to an employee's personal business shall be deducted from the employee's leave balance, or, at the option of the employee, shall be taken as leave without pay. 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.

**Reimbursement for
Leave Upon
Retirement**

The following leave provisions shall apply to state leave earned beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for reimbursement for state leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to retire. Contract employees must provide written notice at least 30 days before the last day of employment.
3. The employee has at least five years of service with the District.

The employee shall be reimbursed for each day of unused state leave at the daily rate of a substitute, up to a maximum of \$4,000. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

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.

Funding

Neither the program nor funding of the program shall create any property right or expectation of one prior to the reimbursement of accumulated unused leave by the District. The program shall be

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

subject, each fiscal year, to funding at the discretion of the Board in the best interest of the District.

Guideline Changes

Substantive changes in guidelines for this program must be approved by the Board.

Neutral Absence Control

Available Leave Exhausted

Except as otherwise provided by law, no leave of absence—by itself or in combination with other periods of leave—may last longer than 180 calendar days. An employee who for any reason or continuation of reasons misses a total of 180 calendar days may be subject to separation from employment due to unavailability for work.

Upon the use of all leave for which an employee has applied and is eligible, if the employee has not already returned to work, the District shall notify the employee in writing that his or her available leave has been exhausted.

The employee shall have ten calendar days to notify the District in writing that he or she is ready, willing, and able to return to work. A medical clearance showing that the employee is physically able to perform the essential functions of his or her position, with reasonable accommodations if necessary, is required to return to work. Additionally, some jobs shall require the employee to submit to a fitness-for-duty examination, to be paid by the District, wherein the employee must demonstrate the ability to meet all the essential physical requirements of his or her position, with reasonable accommodations if necessary.

A contract employee's failure to report and document his or her availability and fitness to return to work within the required ten-day period shall be considered good cause for termination or nonrenewal of the employment contract. A contract employee's failure to return to work after 180 calendar days of leave, regardless of the type of leave, shall be considered good cause for termination or nonrenewal of the employment contract. [See DCE and DF]

A noncontractual employee who does not report and document his or her availability and fitness to return to work within the required ten-day period shall be deemed to have voluntarily resigned his or her employment with the District, effective immediately upon the expiration of the designated ten-day period, and shall be offered health benefits according to COBRA. [See CRD]

In the case of disability, leave for a definite period of time in excess of the terms identified above may be granted as a reasonable accommodation when such leave does not create an undue hardship to the District.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Any employee separated from employment under the terms of this policy may reapply for any vacancies.

Abuse of Leave

An employee who abuses the District's leave policies and administrative regulations, misrepresents the need to use leave, or falsifies documentation related to the use of leave shall be subject to appropriate disciplinary action, up to and including termination, in accordance with District policies and applicable law.

Excessive
Absences

The supervisor of an employee who has established a questionable pattern of absences shall have a discussion with the employee regarding the reason for such absences and may ask the employee to provide verification or appropriate documentation. [See MEDICAL CERTIFICATION, above.] The employee shall be subject to appropriate disciplinary action, up to and including termination, in accordance with District policies and applicable law.

Job Abandonment

An employee who is absent from work for three or more consecutive workdays without notifying his or her supervisor shall be deemed to have voluntarily resigned from the District and may be separated from employment within the District due to job abandonment in accordance with District policies and applicable law.

[See DCD and DF series of policies.]