The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

The term “immediate family” is defined as:

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.
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).

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.

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

A “school year” for purposes of earning, using, or recording leave shall mean the term of the employee’s annual employment as set by the District for the employee’s usual assignment, whether full-time or part-time.

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. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.
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.

State Leave Proration
If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal 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 state personal leave the employee used beyond his or her pro rata entitlement for the school year.

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

1. The employee is absent more than three 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; or
3. The employee requests FMLA leave for the employee’s serious health condition; a serious health condition of the employee’s spouse, parent, or child; or for military caregiver leave.

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

State Personal Leave
The Board requires employees to differentiate the manner in which state personal leave is used.

Nondiscretionary Use
Nondiscretionary 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)]

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

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

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee’s absence on the educational program and District operations, as well as the availability of substitutes.

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

### Local Leave

Each employee 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.

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 as well as any applicable compensatory time 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 or state personal leave for use by the eligible employee.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

### Appeal

An employee may appeal a decision regarding the establishment or implementation of the District’s sick leave pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.
### Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

**Note:** See DECA(LEGAL) for provisions addressing FMLA.

<table>
<thead>
<tr>
<th>Twelve-Month Period</th>
<th>For purposes of an employee’s entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined Leave for Spouses</td>
<td>When 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.</td>
</tr>
<tr>
<td>Intermittent or Reduced Schedule Leave</td>
<td>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.</td>
</tr>
<tr>
<td>Certification of Leave</td>
<td>When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.</td>
</tr>
<tr>
<td>Fitness-for-Duty Certification</td>
<td>In accordance with administrative regulations, when 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.</td>
</tr>
<tr>
<td>Leave at the End of Semester</td>
<td>When 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.</td>
</tr>
</tbody>
</table>

#### 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.]

An employee’s notification of need for extended absence due to the employee’s own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.
<table>
<thead>
<tr>
<th>Workers’ Compensation</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>No Paid Leave Offset</td>
<td>The District shall not permit the option for paid leave offset in conjunction with workers’ compensation income benefits. [See CRE]</td>
</tr>
<tr>
<td>Court Appearances</td>
<td>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.</td>
</tr>
<tr>
<td>Absence Control</td>
<td>An employee who has unauthorized absences equal to five continuous workdays, or unauthorized absences equal to ten workdays out of the last 30 workdays, shall be recommended for termination in accordance with this policy, other application policies, and applicable law. [See DF series]</td>
</tr>
</tbody>
</table>

Definitions used in this policy are as follows:

1. “Unauthorized absence” means failure to appear for work when no leave applies to the absence and the absence is not excused on any other basis in policy or law. Elective leaves, if any, apply to and excuse an absence only when the leave has been duly elected by the employee and approved by the District, and the absence qualifies for and falls within the leave period.

2. “Workdays” are those days on which the employee is required to perform services for the District in compliance with policy and the employment agreement between the parties.

Use of Leave Prior to termination or recommendation for termination under this policy, an employee shall be provided with notice of the employee’s rights to apply for leave.

Due Process The employee shall receive any process to which he or she is entitled by law or in policy prior to termination. [See DF series]

Reasonable Accommodation, Restoration, and Reemployment When required by law, reasonable accommodation and/or restoration to the same, an equivalent, or another position shall be afforded. [See DEC(LEGAL) and DAA(LEGAL)] An employee who does not qualify for reasonable accommodations and is terminated may apply for and be considered on an equal basis with other applicants for other open employment positions.
No Limitation on Other Remedies

These policies shall not limit or restrict any other basis upon which an employee may be terminated under law or policy.