

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 definition 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 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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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 used shall be recorded as follows:

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

Order of Use

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

1. Local leave.
2. State sick leave accumulated prior to the 1995–96 school year.
3. State personal leave.

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.

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)]

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

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

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

Use of Discretionary Leave

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. |
| Local Leave | <p>All employees shall earn five paid local leave days per school year in accordance with administrative regulations.</p> <p>Local leave shall accumulate without limit.</p> <p>Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year, except that an employee may donate local leave to a sick leave pool. [See DEC(LEGAL)]</p> |
| Sick Leave Pool | <p>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 only local leave for use by the eligible employee.</p> <p>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.</p> <p>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.</p> <p>The Superintendent or designee shall develop regulations for the implementation of the sick leave pool that address the following:</p> <ol style="list-style-type: none">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 |
| Appeal | All decisions regarding the establishment or implementation of the District’s sick leave pool may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee. |
| 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 |

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| | care for a parent with a serious health condition for a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)] |
| Intermittent Leave for Child Care | 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 the 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 | <hr/> <p>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.]</p> <hr/> |

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 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.

Educational Leave

Leave of absence without pay may be granted by the Board upon recommendation of the Superintendent for the purpose of pursuing advanced study for professional advancement under the following conditions:

1. It must be shown that such leave will be beneficial to the District as well as the employee.
2. Leave of absence may be granted for not less than one nor more than two semesters at any time.
3. Application for leave of absence must be filed with the chief personnel officer in writing at least two months before the time when such leave of absence shall take effect and must state clearly all reasons under which leave is requested.
4. Leaves of absence may be granted not to exceed one percent of the total staff in any one semester.
5. When a leave of absence has been granted to the end of a scholastic year, the employee must notify the chief personnel officer or designee by April 15 of the intention to resume work at the beginning of the next scholastic year. In such case, the employee may be placed on active duty no later than the beginning of the next semester subject to available vacancies.

Failure to notify the chief personnel officer or designee of intention to resume work as indicated above shall be considered a resignation. Leave granted under this policy shall be with retention of local sick leave accrued.

Excessive Absences

Except as provided by law, an employee who has excessive absences equal to five workdays or more during one school year shall be subject to separation from employment due to unavailability for work. An absence that is not covered by any available leave and is not otherwise excused shall be considered an excessive absence. A workday, for purposes of this policy, is a day on which the employee is required to perform services for the District as determined by the employee's work schedule set by the District.