

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.

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.

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.

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 state personal leave or local leave that the employee used beyond his or her pro rata entitlement for the school year.

Recording

Employees shall be charged leave as used and must report absences even if a substitute is not employed.

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Leave shall be recorded as follows:

1. Leave shall be recorded in the smallest increment permitted by the District's leave system.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
3. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

All employees must report absences from duty in accordance with District procedures.

Use

For purposes of military leave, personal illness, illness in the immediate family, family emergency, or death in the immediate family, unless an employee requests a different order, available paid state and local leave and vacation shall be used in the following order, as applicable:

1. Local leave.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.
4. Vacation.

Concurrent Use of Leave

When an absent employee is eligible for FMLA leave, the District shall designate the absences as FMLA leave.

The District shall require the employee to use temporary disability leave and all paid leave including compensatory time, 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 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 five 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 designee;

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3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child or for temporary disability for personal illness; 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)]

Non-discretionary use of leave shall also include FMLA qualifying reasons and shall not be subject to the five consecutive workdays per request limit.

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 and non-FMLA use of state personal leave shall not exceed five consecutive workdays per request.

Schedule
Limitations

Discretionary use of leave shall not be allowed on the first day of school, the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year examinations, days scheduled for state-mandated assessments or other District-approved tests, or professional development days.

The principal may approve use of personal leave on these days after considering the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

Due to unique safety and operational concerns, the use of local leave in auxiliary services and facility services may be contingent on approval of the employee's supervisor, after considering the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes, if applicable. Failure by an employee in auxiliary services and facility services to obtain approval by the employee's supervisor for use of local leave, if required, may result in loss of pay and/or disciplinary action up to, and including termination from employment. Whether or not such approval is required is at the department's discretion, and each department's attendance guidelines may vary to reflect operational needs within that department. In those cases where approval is required, employees shall be notified in writing at the beginning of each school year or at the time of hire, whichever is earlier in the school year.

Local Leave

In addition to the state personal leave program, each full-time employee shall earn local leave in the number of hours per day equivalent to the employee's usual assignment as follows.

For an employee whose usual assignment equivalent is between 63 percent and 75 percent:

- An employee in a position normally requiring ten months of service shall accrue leave at the rate of three hours per month, up to a maximum of 30 hours in one year. A maximum of 300 hours may be carried over to the next year.
- An employee in a position normally requiring 11 months of service shall accrue leave at the rate of 3.3 hours per month, up to a maximum of 36 hours in one year. A maximum of 300 hours may be carried over to the next year.
- An employee in a position normally requiring 12 months of service shall accrue leave at the rate of 3.5 hours per month, up to a maximum of 42 hours in one year. A maximum of 300 hours may be carried over to the next year.

For employees whose usual assignment equivalent is between 76 percent and 100 percent:

- An employee in a position normally requiring ten months of service shall accrue leave at the rate of four hours per month, up to a maximum of 40 hours in one year. A maximum of 400 hours may be carried over to the next year.
- An employee in a position normally requiring 11 months of service shall accrue leave at the rate of 4.4 hours per month, up to a maximum of 48 hours in one year. A maximum of 400 hours may be carried over to the next year.

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- An employee in a position normally requiring 12 months of service shall accrue leave at the rate of 4.7 hours per month, up to a maximum of 56 hours in one year. A maximum of 400 hours may be carried over to the next year.

In order to be eligible for local leave, an employee must:

1. Work at least five hours per day or 25 hours per week; and
2. Be a member of the Teacher Retirement System of Texas (TRS) or be exempt by law.

Student helpers, substitutes, temporary employees, and other part-time employees shall not be eligible for local leave.

Local leave shall be used under the terms and conditions applicable to state sick leave accumulated prior to the 1995–96 school year, except as otherwise provided by this policy.

Local leave available to the employee may be used for personal or family illness, death in the family, or family emergency without loss of pay.

An employee may also use local leave for absences related to the birth or placement of his or her son or daughter when taken within the first year after the child's birth, adoption, or foster placement. The use of local leave for birth, adoption, or foster placement is limited to six consecutive workweeks.

Local leave may be used beyond six workweeks if needed for personal/family illness based on medical certification.

Before an employee is granted leave, he or she shall provide all documentation reasonably requested by the District. Failure to provide such documentation shall be grounds for denial of the leave request.

If the employee is also eligible for FMLA, then any accrued leave used shall run concurrently with FMLA.

Leave Bank

Full-time employees may join the leave bank by donating one local leave day per fiscal year. After the initial enrollment, one local leave day shall be deducted from the participant's local leave balance at the beginning of each fiscal year unless the participant completes a written request to terminate participation in the bank prior to the beginning of the fiscal year.

Leave bank participants may request up to 25 leave days annually to a lifetime maximum of 75 leave days, subject to administrative guidelines and available leave bank balance.

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Leave from the leave bank may be granted solely for a medical condition of the employee or the employee's family member that will require the prolonged absence of the employee from duty, which will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave bank.

A request to withdraw from the leave bank shall be submitted in writing, when practicable, to the benefits and risk management department. Written certification of the medical necessity of the leave, as is also required for temporary disability or family and medical leave, shall accompany the request.

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

The leave bank is intended to comply with the Internal Revenue Service rules for a qualifying leave-sharing program as described in Revenue Ruling 90-29 and other applicable guidance. The leave bank shall be administered and construed in accordance with such rules.

The chief human resources officer or designee shall evaluate the request to withdraw leave based upon:

1. The information submitted by the employee as identified above;
2. The available leave bank balance;
3. Compliance with Internal Revenue Service rules relating to leave-sharing programs; and
4. The best interests of the District.

All decisions regarding the leave bank may be appealed in accordance with DGBA(LOCAL).

**Use of Leave for
Bereavement
(Funeral)**

Use of state leave and/or local leave for death in the immediate family shall not exceed five workdays per occurrence, subject to the approval of the District.

**Religious
Observances**

For purposes of this policy, "religion" shall mean all aspects of religious observance, practice, and belief. [See DEC(LEGAL)]

Definition

Employer Practices

Supervisory employees may not favor one religion over another and must treat all requests for religious accommodation in the same manner, regardless of the religion of the individual requesting

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	the accommodation or the religious observance, practice, and/or belief at issue.
Request for Leave for Religious Purposes	An employee who wishes to request a religious accommodation shall make such a request to the principal or immediate supervisor. If the principal or supervisor believes that accommodating the request would pose an undue hardship, the principal or supervisor shall contact the human resources department for review of the request. If the request is denied, the employee may appeal the decision in accordance with DGBA(LOCAL).
Family and Medical Leave	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.
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.]
Failure to Return	If, at the expiration of FMLA leave, the employee is able 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]
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]

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Temporary Disability Leave

A full-time employee shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days in a 12-month period. Days from the leave bank used during temporary disability shall not extend the maximum length of the leave. Temporary disability leave is granted per incident as one continuous block of time and is not intended to be taken on an intermittent or reduced-schedule basis. At the expiration of available leave, the District shall offer the employee COBRA benefits as required by law. [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 or designee as a request for temporary disability leave.

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.

Paid Leave Offset

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage. The District shall charge the employee's accrued leave proportionately until the available leave is exhausted. [See CRE]

Court Appearances

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

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.

Expiration of Available Leave and Attendance Policy

After an employee has exhausted all paid and unpaid approved leave for which he or she is eligible, the District shall provide the employee written notice at the last known home address that his or her leave has expired. The employee shall be notified that he or she has five workdays before the expiration of leave within which to apply for any other leave for which the employee may be eligible

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or to notify the District in writing that the employee is ready, willing, and able to return to work, accompanied by a medical clearance showing that the employee is able to perform the essential functions of his or her position, given reasonable accommodation(s) if necessary.

A contract employee who does not apply for and receive approval for additional leave and who does not report and document his or her availability and fitness to return to work within the time set forth above shall resign or shall be deemed to be in repeated and continued neglect of duties and shall be subject to termination.

At-will employees, who do not apply for and receive approval for additional leave, and who do not report and document their availability and fitness to return to work within the time set forth above, shall be deemed to have resigned their positions with the District effective upon the expiration of the five-workday period set forth above. At the expiration of available paid leave and/or unpaid leave, the District shall offer COBRA benefits as required by law.