

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. Aunt or uncle.

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 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 leave for the current year available for use at the beginning of the school year.

Effective July 1, 2016, local leave shall be made available as earned and may be used in any way consistent with this policy.

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

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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:

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 the employee handbook.

Recording

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all employees even if a substitute is not employed.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

Order of Use

Earned compensatory time shall be used before any available paid state leave. [See DEAB]

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

1. Accumulated local leave.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.
4. Vacation days for applicable employees.

Use of sick leave pool days shall be permitted only after all available 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, 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 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 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;
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)]

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 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 the employee handbook. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider

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the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the following factors:

- a. The effect of the employee's absence on the educational program or District operations.
- b. The availability of substitutes; and
- c. The timing of the requested leave during the following periods:
 - (1) Any day during the five consecutive workdays immediately before or after the first instructional day of the school year;
 - (2) The day immediately before or after Thanksgiving, the winter break, spring break, a student holiday, or a scheduled three-day weekend;
 - (3) The day of an open house at a school to which the employee is assigned;
 - (4) Any in-service or staff development day applicable to the employee;
 - (5) The days on which local end-of-semester examinations or state-mandated assessments, including end-of-course assessments, are administered on a campus to which the employee is assigned, as well as any day during the five consecutive workdays immediately before the test date and the day immediately following the test date, regardless of the grade level being tested; or
 - (6) Any day for which the employee's administrative supervisor has reason to believe that more than five percent of the campus's or departments' staff is expected to be absent or assigned to an off-campus activity.

Duration of
Leave

Discretionary use of state personal leave shall not exceed three consecutive workdays without prior approval.

Local Leave

All full-time employees shall earn three days of local leave and two partially paid local leave days per school year at a rate of one-half workday per month of employment.

All part-time employees shall earn one and one-half days of local leave and one partially paid local leave day per school year at a rate of one-half workday per 60 days of employment.

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Local leave shall be used according to the terms and conditions of state personal leave [see STATE PERSONAL LEAVE, above]; however, the minimum daily rate of pay of a substitute for the employee's position shall be deducted for each day of partially paid local leave taken, whether or not a substitute is employed.

An employee hired before August 1, 2015, shall be permitted to accumulate local leave days from year to year.

Employees hired on or after August 1, 2015, shall accumulate local leave to a maximum of 30 days.

An employee who resigns shall forfeit all accumulated local leave upon the effective date of the resignation.

**Bereavement
(Funeral) Leave**

An employee's use of state personal leave and/or local leave for a death in the immediate family shall not exceed five workdays per occurrence, subject to the approval by the District and availability of accumulated leave. Use of other leave for bereavement purposes shall be subject to the approval of the Superintendent or designee and availability of an employee's accumulated leave.

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 only 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.

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 or designee 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.

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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 begin on the first duty day of the school year.
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 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	<p>If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]</p> <p>Upon request for FMLA leave for the employee's serious health condition or that of a spouse, parent, or child, and at 30-day intervals thereafter, or sooner if requested, the employee shall provide medical certification of the illness or disability.</p>
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 job description and/or 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	A full-time employee who has exhausted all forms of paid leave under this policy in the course of personal illness or injury may request unpaid temporary disability leave in accordance with law, if applicable. [See DEC(LEGAL)] The maximum length of temporary

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disability leave granted shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for reinstatement.]

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.

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.

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

**Reimbursement for
Leave upon
Retirement**

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

An employee who retires from the District under the Teacher Retirement System (TRS), or the beneficiary of an employee who dies while employed by the District, shall be eligible for reimbursement for local leave under the following conditions:

1. The employee is officially retiring in accordance with the criteria established by the TRS;
2. The employee's retirement, if applicable, is voluntary, i.e., the employee is not being discharged or nonrenewed and is not retiring in lieu of dismissal, discharge, or nonrenewal;
3. The employee or employee's beneficiary provides advance written notice to the Superintendent or designee of intent to retire. Contract employees must provide written notice at least 45 days before the last day of employment. Non-contract em-

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employees must provide written notice at least two weeks before the last day of employment; and

4. The employee has at least five consecutive years of service in the District.

The employee shall be reimbursed for each day of local leave, to a maximum of 60 days. Professional employees shall be reimbursed at the rate of \$50 for each day of accumulated local leave.

Paraprofessionals and auxiliary employees shall be reimbursed at the rate of \$35 for each day of accumulated local leave.

If the employee is re-employed with the District, days for which the employee received payment shall not be available to that employee.

An employee who previously retired under TRS rules shall not be eligible for reimbursement.

In the event of the death of an employee before retirement with the District, his or her beneficiaries shall be reimbursed for all accumulated local leave.

For the purpose of this policy, a beneficiary shall be defined as the person or entity named by the employee for the receipt of life insurance proceeds under the District's employee benefits program.

**Neutral Absence
Control**

If an employee is absent for three or more days and fails to properly report the absence and receive required approval, the employee shall be considered to have resigned his or her position and shall be terminated for abandonment of job.

If an employee does not return to work after exhausting all available paid and unpaid leave, the District shall provide the employee written notice that he or she no longer has leave available for use. The District shall automatically pursue termination of an employee who has exhausted all available leave; regardless of the reason for the absence [see DF series]. The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA(LEGAL)], shall be considered before termination. If terminated, the employee may apply for re-employment with the District.

This policy shall be implemented without consideration as to whether the leave was due to personal injury, an on-the-job injury or illness, or other medical condition, and shall be uniformly applied in order to prevent injury to District operations.