

**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 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.

**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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**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 and local leave the employee used beyond his or her pro rata entitlement for the school year.

**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 one-hour increments.
3. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

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

**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;

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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)]

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

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**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.

*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 three consecutive workdays.

**Local Leave**

All full-time employees shall earn three paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate to a maximum of 50 leave days.

Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]

**Hardship Leave**

After all available paid leave days have been exhausted, a full-time employee with at least 90 days of full-time service shall be granted in a school year a maximum of ten days of hardship leave to be used in accordance with the following:

1. A maximum of ten leave days of hardship leave may be used in a school year for the employee's own personal illness or injury, including pregnancy-related illness or injury, absences related to the adoption of a child or placement of a foster child, or absences related to the illness or injury of the employee's spouse, parent, or child. If both spouses are employed by the District, the District shall limit their use of hardship leave for adoption or placement of a child to a combined total of ten days.
2. A maximum of five days of hardship leave may be used in a school year for the death of the employee's spouse, parent, or child.

To be eligible for hardship leave, the employee shall have worked at least 18 workdays during the school year.

A written request for hardship leave must be submitted to the benefits office for approval no later than 60 days after the date of the absence and must be accompanied by appropriate documentation of the illness or injury, adoption or placement, or death, as applicable.

The employee shall receive one-half of the employee's daily rate of pay for each day of hardship leave taken.

**Sick Leave Bank**

The District shall establish a sick leave bank that full-time employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

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

The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;

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3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

All decisions regarding the sick leave bank 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 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.]

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]

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**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 or designee as a request for temporary disability leave.

**Workers' Compensation**

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**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.]

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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. [See CRE]

**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.

**Reimbursement for Leave upon Retirement**

The following leave provisions shall apply to state and local 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 and local leave under the following conditions:

1. The employee's retirement from employment is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee has at least one year of service with the District.
3. The employee meets state eligibility requirements for retirement.

If an employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

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The District shall reimburse an employee only for unused leave earned during employment with the District; however, an employee hired prior to the 2003–04 school year shall be exempt from this limitation, and all unused state leave the employee earned while employed in public education in Texas shall be eligible for reimbursement.

For Unused Local  
Leave

An eligible employee shall be reimbursed for unused local leave in accordance with the following:

1. An employee who has remaining at retirement at least 75 percent of the total number of local leave days the employee earned in the District shall be paid \$55 for each unused local leave day.
2. An employee who has remaining at retirement 50 to 74 percent of the total number of local leave days the employee earned in the District shall be paid \$50 for each unused local leave day.
3. An employee who has remaining at retirement less than 50 percent of the total number of local leave days the employee earned in the District shall be paid \$40 for each unused local leave day.

For Unused State  
Leave

An eligible employee shall be compensated for unused state personal leave and state sick leave in accordance with the following:

1. An employee who has remaining at retirement at least 75 percent of the total number of eligible state leave days earned shall be paid for each eligible state leave day at a rate of 50 percent of the employee's final daily rate of pay.
2. An employee who has remaining at retirement 50 to 74 percent of the total number of eligible state leave days earned shall be paid for each eligible state leave day at a rate of 35 percent of the employee's final daily rate of pay.
3. An employee who has remaining at retirement less than 50 percent of the total number of eligible state leave days earned shall be paid \$40 for each eligible state leave day.

**Neutral Absence  
Control**

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 and shall give the employee the opportunity to resign from employment. If the employee chooses not to resign, the District shall terminate the employment, 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(LLEGAL)], shall be considered before termination. If terminated, the employee may apply for reemployment with the District.