

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Philosophy

The Board believes student success is best achieved in a supportive climate and safe environment. Therefore, the District shall provide an equitable leave policy that attracts and retains top talent and promotes a healthy lifestyle for all employees.

Leave Program

The District's leave program includes both paid leave and unpaid leave. Eligibility for the various types of leave depends on the employee's position, the number of months of service per year, and the length of service.

The Superintendent or designee shall establish administrative procedures to manage the various components of leaves and absences set forth in this policy, including but not limited to the guidelines and processes for requesting leave and reporting absences. The administrative procedures shall also be published in the Employee Handbook.

Definitions

Immediate family is defined as:

Immediate 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 related to the employee by blood or marriage who is 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).

Leave Day

For purposes of earning, using, or recording of leave, the term "leave day" shall mean the number of hours per day equivalent to the employee's usual assignment, whether full time or part time.

Discretionary
Personal Leave

For purposes of using or recording absences and leaves, the term "discretionary personal leave" shall mean an employee may take leave at the employee's discretion, subject to limitations set forth.

Nondiscretionary
Personal Leave

For purposes of using or recording absences and leaves, the term "non-discretionary personal leave" shall mean an employee may take leave for personal or family illness, family emergency, a death in the family, or active military service.

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Local Sick Leave	All employees who are eligible for district health care benefits shall earn five paid local sick leave (LSL) days per school year at a rate of one-half leave day for each 18 days worked during employment up to the maximum of five workdays annually.
State Personal Leave	All employees who are eligible for district health care benefits shall be entitled to five days of state personal leave (STPB) if they remain employed with the District for the entire school year.
Local Personal Leave	For purposes of using or recording absences and leaves, the term "local personal leave" (LPL) shall apply to local personal leave days accumulated before the 2003-04 school year.
State Sick Leave	For purposes of using or recording absences and leaves, the term "state sick leave" (SS) shall apply to state sick leave days earned before 1995. SS is available for use and may be transferred to other school districts in Texas. SS can be used only in increments, except when coordinated with FMLA leave taken on an intermittent or reduced schedule basis or when coordinated with Workers' Compensation benefits.
Vacation	For purposes of using or recording absences and leaves, the term "vacation" (VAC) shall mean number of hours per day equivalent to 10 vacation days per school year for all employees who are eligible for District health care benefits assigned to a 260-day Work Calendar.
Paid Time Off	For purposes of using or recording absences and leaves, the term "paid time off" (PTO) shall mean number of hours per day equivalent to 5 paid time off days per school year for all employees who are eligible for district health care benefits assigned to a 238-day Work Calendar.
Dock	For purposes of using or recording absences and leaves, the term "dock" shall mean that an employee experiences a reduction in compensation as a consequence of having used all available LSL, LPL, SS, STPB, VAC and PTO.
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.
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 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.

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Order of Use	<p>Earned compensatory time shall be used before any available paid state and local leave. [See DEAB]</p> <p>Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:</p> <ul style="list-style-type: none">• Local sick leave (LSL).• Local personal leave (LPL) accumulated before the 2003–04 school year.• State sick leave accumulated before the 1995–96 school year (SS).• State personal leave (STPB). <p>An employee may not choose to be docked in lieu of use of available paid leave.</p>
Recording	<p>Leave shall be recorded in half-day increments for all employees according to the guidelines located in the employee handbook located on the District webpage.</p>
Concurrent Use of Leave	<p>When an absent employee is eligible for Family and Medical Leave Act (FMLA) leave, the District shall designate the absence as FMLA leave. Full-time employees absent or who anticipate being absent more than five consecutive workdays shall be required to submit an application for leave. The District shall require employees to use FMLA leave concurrently with paid leave and with temporary disability leave, as applicable. Employees shall use leave as determined by this policy.</p>
Earning Local Leave	<p>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.</p>
Availability	<p>The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year. When an employee who has used more leave than he or she has earned ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.</p>
Leave Proration	<p>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.</p> <p>If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:</p>
Employed for Less Than Full Year	

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- State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
- 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 procedures.

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 personal leave or shall be taken as leave without pay in the event that leave is not available.

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.

**Reimbursement for
Unused Local Leave**

Retirement

An employee who retires in accordance with TRS guidelines after ten or more consecutive years without a break in service with the District shall be paid for up to 150 days of unused local leave as follows:

Professional personnel shall be paid \$75 per day for each day of unused local leave.

Paraprofessional and auxiliary personnel shall be paid at the rate of \$50 per day for each day of unused local leave.

Death

A deceased employee's beneficiaries shall be paid up to 150 days as follows:

Beneficiaries of professional personnel shall be paid \$75 for each day of accrued unused local leave.

Beneficiaries of paraprofessional and auxiliary personnel shall be paid \$50 for each day of accrued unused local leave.

Reporting Absences

An employee shall notify his or her supervisor prior to being absent or as soon as physically able. Employees shall follow District and campus/departmental procedures to report absence(s).

Absence Control

An employee who is absent from duty for three consecutive days without notifying the immediate supervisor of his or her status and

the anticipated date of return shall be dismissed from employment in accordance with Board policy. [See DCD and DF series]

The District shall provide the employee written notice at the last known home address, as reflected in the system, regarding the expiration of his or her leave. At that time, the employee must provide appropriate medical release that he or she is able to return to duty and perform the essential functions of the job, if applicable. The employee's eligibility for reasonable accommodations, as required by the ADA [see DAA(LEGAL)], shall be considered if requested and if the employee provides the appropriate medical documentation.

If an employee fails to provide the appropriate medical release and/or documentation within the allotted timelines as stated in the notification and therefore does not return to work after exhausting all available paid and unpaid leave, the District shall automatically pursue termination, regardless of the reason for the absence. [See DF series]

Excessive Absences

When an employee's absences establish a pattern, or exceed the annual allotted days, with the exception of approved leave or absence, such absences may be considered excessive. If absences are deemed excessive, the employee may be subject to disciplinary action up to and including termination of employment. [See DFBB, DCD, and DF series]

Use of Discretionary Personal Leave

A notice of request for discretionary personal leave shall be submitted to the principal/work location supervisor or designee in advance, no later than five days prior to the anticipated absence. Discretionary personal leave shall be granted on a first-come, first-serve basis, with a maximum of ten percent of campus/department employees in each category permitted to be absent at the same time for discretionary personal leave.

Use of Non-Discretionary Personal Leave

A notice of request for nondiscretionary leave shall be submitted to the principal/work location supervisor or designee. Non-discretionary leave shall be granted in the same manner as sick leave.

Use of State Personal Leave

STPB leave may accumulate without limit and shall be transferable from district to district.

Use of Local Personal Leave

LPL shall be considered leave earned in the District prior to July 1, 2003. LPL may be used according to the terms and conditions of STPB leave.

Use of Vacation

Vacation may accumulate up to twenty days. After annual entitlements are received, any vacation days in excess of the 20-day limit, up to a maximum of five days will be transferred to LSL which can then be used according to the terms and conditions of LSL.

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Use of Paid Time Off PTO may accumulate up to ten days. After annual entitlements are received, any PTO days in excess of the 10-day limit will be transferred to LSL which can then be used according to the terms and conditions of LSL.

Guidelines Regarding Use STPB leave and LPL shall be used primarily for personal business. LSL and SS leave shall be used according to the terms and conditions of SS leave accumulated before the 1995–96 school year, and STPB leave and LPL may be used for these purposes as well. [See DEC(LEGAL)] Employees may use all forms of leave if they are relocated from the District due to military leave.

Limitations on Use of Personal Leave Use of STPB leave or LPL shall require Leadership Team approval in the following circumstances:

- The first day of school or the day before a school holiday.
- The last day of school or the day after a school holiday.
- Days scheduled for end-of-semester or end-of-year examinations.
- Days scheduled for state-mandated assessments.
- Professional or staff development days.
- The last teacher duty day of the school year.
- Any other time the principal/supervisor determines that the employee's presence is critical to the instructional program or the operation of the school/department.

No more than ten percent of the total staff of a school or department that exceeds ten people may be on personal leave at the same time.

Duration of Leave The principal/work location supervisor or designee shall notify the employee in advance whether the request is granted or denied. In deciding whether to approve or deny state personal leave, the principal/work location supervisor shall not seek or consider the effect of the reasons for which an employee's request to use leave. The principal/work location supervisor shall, however, consider the effect of the employee's absence on the educational program or District's operations, as well as the availability of substitutes.

Discretionary personal leave may not be taken for more than three consecutive days without the approval of the Superintendent or designee.

No more than ten personal leave days shall be used in a school year. This shall not apply to an extended medical leave of absence

approved by the chief human resource officer or designee. For purposes of this provision, the school year shall be measured from July 1 through June 30.

Absences for religious holidays days shall be exempt from this limitation.

Medical Certification

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

- The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
- The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor and approved by the Superintendent or designee;
- The employee requests leave due to a family emergency involving a medical illness of a member of the employee's family, which lasts more than five consecutive days;
- The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
- The employee requests FMLA leave for military caregiver purposes. The employee shall provide medical certification within 15 calendar days of the last day worked or as soon as practicable.

An employee on approved FMLA leave shall continue to provide medical certification of the illness or disability on either (1) the date indicated on the original certification or (2) at 30-day intervals, whichever is later.

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)

Use of Local Sick Leave

Upon reporting to active service, an employee's account shall be credited with the full allowance of LSL. Should an employee resign or cease to be employed before the end of the school year or employment period, the leave allowance shall be prorated on the basis of time served, and the employee shall reimburse the District for days used in excess of the prorated allowance at the employee's regular rate of pay. [See also Leave Proration, above]

Employees who are absent shall be charged leave as used even if a substitute is not employed.

LSL shall accumulate without limit.

[See Guidelines Regarding Use, above, for when LSL may be used by an employee.]

Family and Medical Leave

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured forward from the date an individual employee's first FMLA leave begins.

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)]

An employee may use LSL for 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.

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. The District shall provide a list of essential job functions to the employee with the FMLA designation notice, if applicable.

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 shall require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

Upon expiration of FMLA leave, all District-paid benefits shall cease when an employee has exhausted all forms of paid leave. Employees may continue to participate in the District's group insurance programs but must pay for coverage.

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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. Recertification shall be required at 30-day intervals. Temporary disability shall run concurrently with FMLA leave and/or workers' compensation. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

If temporary disability is foreseen, then the request for temporary disability leave must be completed 30 days in advance. If the temporary disability is unforeseen, then the request must be submitted within 15 calendar days of the last day worked or as soon as practicable. 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.

Unpaid Personal Leave

An employee who is eligible for district health care benefits and who is not eligible for temporary disability leave may apply for an unpaid personal leave (UPL) of absence for up to 90 calendar days. UPL shall be taken under the same circumstances as FMLA leave. The leave request must be accompanied by medical certification from a qualified health-care provider supporting the need for leave.

Catastrophic Leave Benefit

A full-time employee or immediate family member diagnosed with a catastrophic illness or injury who is on approved FMLA leave and who has exhausted all other forms of paid leave may apply for 30 days of paid catastrophic leave annually to a lifetime maximum of 60 days per employee.

Sick Leave Bank

The District shall establish a Sick Leave Bank (SLB) that employees may join through voluntary contribution of local leave.

The Superintendent or designee shall develop administrative procedures for the operation of the SLB.

Sick Leave Bank Committee

The Superintendent shall appoint an employee Sick Leave Bank Committee (SLBC) to oversee the operation of the SLB. SLBC membership criteria and selection process shall be included in administrative procedures.

Eligibility and Membership

Any employee may enroll in the SLB if:

- The employee is eligible for District health care benefits.
- The employee has completed 12 months of employment with the District and has earned and accrued one local leave day.

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- The employee has submitted registration during the membership window, as set forth in administrative procedures.

Use of Leave

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

Limitations

Use of the SLB shall be limited to the number of days available annually in the SLB.

An individual staff member may be granted days by the SLB only once during a school year.

An employee receiving days from the SLB shall not earn local sick leave.

Application

Employees shall complete and submit a request for use of the SLB. The request shall be submitted to SLBC for review and approval. If the member is unable to request leave days from the SLB, a member of the employee's family may submit the request on behalf of the employee.

All forms for participation in the SLB shall be available from and submitted to the Human Resources Department.

Applications must be submitted in accordance with administrative procedures.

An individual employee may be granted days by the SLBC for a maximum of 30 days in a given school year.

Assault Leave

Absences due to assault leave, as defined by the Texas Education Code, Section 22.003, shall not be deducted from accrued leave or designated as FMLA leave. An employee on assault leave shall receive workers' compensation wage benefits supplemented by the District up to the pre-assault weekly salary.

Incidents associated with assault leave shall be investigated by the District and, if not appropriately classified, the leave type shall be changed to workers' compensation and the employee's leave charged for any payments in excess of his or her entitlement under workers' compensation. In the event that leave is not available, the employee's pay shall be reduced.

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 absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.

An employee eligible for workers' compensation wage benefits and not on assault leave shall indicate whether he or she chooses to:

- Receive workers' compensation wage benefits; or
- Use available paid leave. Workers' compensation wage benefits shall begin when paid leave is exhausted.

Restricted Duty

If a physician recommends restricted duty, the District may approve the employee's return to duty subject to the availability of a position allowing designated restrictions. An employee assigned to restricted duty who is not on FMLA leave and who refuses to accept the assignment may be subject to termination of his or her employment. Notwithstanding anything to the contrary here, if the employee has a disability as that term is defined under the ADA or the Texas Commission on Human Rights Act (TCHRA), the District's policies under the ADA and/or the TCHRA, as applicable, shall apply.

Leave of Absence

A leave of absence may be granted by the chief human resources officer or designee to any employee, provided the employee makes a written request to the chief human resources officer and states an acceptable reason for the request.

The written request shall specify in exact and complete terms the reason for the leave. Falsifying or purposely misstating reasons may result in termination of the individual from employment with the District, in accordance with Board policies.

The employee shall notify the chief human resources officer or designee of his or her intention to return to active duty, in writing, at least 30 days before the expiration of the leave period. Failure to do so shall be deemed a resignation.

Upon returning from leave, attempts shall be made to place the employee in a comparable position. There is no assurance that an assignment will be available for the employee upon return from unpaid personal leave.

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While on an approved leave of absence, the benefits that the employee earned as a result of the employee's years of employment in the District shall be protected; however, an employee who resigns and is later reemployed by the District shall be considered a new employee and shall receive no benefits that accrue to employees with a record of uninterrupted service.

*Developmental
Leave*

A professional employee who has served the District at least five consecutive school years may apply for a full or half year's academic unpaid leave of absence for approved research, travel, study as a full-time student in a college or university, or other suitable purpose. The request shall include the proposal for research, the length of time, and the product or method of verification for the developmental leave. The plan shall be approved by the Board.

The product or method of verification shall be presented to the chief human resources officer or designee prior to return from leave. In case of failure to comply with the requirement of full-time study without reason acceptable to the Board, the employee shall not be eligible for rehire at the end of the leave period.

**Fulbright Teacher
Exchange Program**

The District shall participate in the Fulbright Teacher Exchange Program to help promote mutual understanding between the people of the United States and the people of other countries through educational exchange. Teachers and administrators wishing to participate in the exchange program shall apply for approval to the Superintendent or designee. Employees approved by the Superintendent or designee and selected for the exchange program shall be compensated in accordance with the terms of the program.

**Compensation
During Closure**

Employees who are required to work during an emergency closure of the District or their respective campus(es) or facility shall be compensated in accordance with DEA(LOCAL) and administrative procedures.