

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.

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 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 only 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.

**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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**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 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.

Use of extended sick leave, leave donation, and other unpaid leave 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, 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 in excess of 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)]

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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:

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)]

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 at least five days in advance of the anticipated absence. Discretionary use of leave shall be granted on a first come, first served basis, with a maximum of five percent of campus employees in each category permitted to be absent at the same time for discretionary use of state personal leave. A campus with fewer than 40 staff members shall be allowed a maximum of two employees absent at any one time for discretionary use of state personal leave. In deciding whether to approve or deny a discretionary leave request, the principal or supervisor shall not seek or consider the reasons for which an

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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.

Discretionary use of state personal leave shall be considered granted unless the supervisor or designee notifies the employee to the contrary within 48 hours of receipt of the request.

Other  
Limitations

Discretionary use of state personal leave shall not exceed five total workdays per academic calendar year.

Generally, requests to use state personal leave shall not be granted:

- a. The day before or after school holiday.
- b. The day before or after any semester.
- c. Any day on which staff development or professional learning is scheduled.
- d. Any other time determined by the supervisor or designee for which the employee's absence impacts the educational program or District operations.

However, notwithstanding the limitations set forth in sections (a) through (d) above, discretionary use of state personal leave shall be allowed for an employee absence in observance of a religious holy day.

**Local Leave**

All full-time employees shall earn five, six, or seven paid local leave days per school year in accordance with administrative regulations for positions that normally require ten, 11, or 12 months of service, respectively.

Local leave shall accumulate to the maximum number of workdays equivalent to the employee's usual work year.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year [see DEC(LEGAL)], except that an employee may donate local leave to an eligible employee. [See Friends Helping Friends Leave Donation, below]

Parent-Child  
Bonding Leave

An employee may use a maximum of 25 leave days of accumulated local leave for the purpose of enhancing parent-child bonding when the employee becomes a parent, either through the natural or adoptive process. Such leave shall run concurrently with FMLA leave, if applicable, and shall be used only within 30 days of the

birth of the child or the date of adoption. Additional unpaid leave may be available under the FMLA.

**Extended Sick Leave** After all available state and local leave days have been exhausted, a teacher, administrator, or support staff member shall be granted in a school year a maximum of 20 leave days of extended sick leave to be used for the employee's own personal illness or injury, including pregnancy-related illness or injury, or for absences related to the illness or injury or the death of a member of the employee's immediate family.

For teachers and administrators, the daily rate of pay of a certified substitute shall be deducted for each day of extended sick leave taken, whether or not a substitute is employed. For support staff, one-half of the employee's daily rate of pay, not to exceed the daily rate of a non-degreed substitute teacher, shall be deducted for each day of extended sick leave taken.

To be eligible for extended sick leave, the following shall apply:

1. The employee shall have been employed by the District for a minimum of three years.
2. At the beginning of the school year, the employee shall have accumulated at least 30 state leave and local leave days that must be used prior to use of extended sick leave.
3. The employee shall submit a statement of a health-care provider licensed to practice in the state of Texas verifying the illness or injury, or the employee or a relative or representative of the employee may submit certification of the family member's death.
4. The employee shall submit a written request to the principal or supervisor, who shall forward the request with a recommendation to the Superintendent.

**Friends Helping  
Friends Leave  
Donation**

A full-time employee who has exhausted all paid leave and who suffers from a catastrophic illness or injury (cancer treatment, chemotherapy, heart surgery, and the like) or is absent due to the catastrophic illness or injury of the employee's spouse, child, parent, or dependent may request donation of up to 45 additional leave days for use by the eligible employee.

The request, if approved through the "Friends Helping Friends" program, may be filled by anonymous donations by other District employees from the donating employee's accumulated local leave or state personal leave.

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Requests shall not be granted if the employee is receiving income replacement benefits through workers' compensation or the District's long-term disability coverage.

Each employee may donate a maximum of three days of local or state personal leave per school year, and the minimum donation shall be one-half leave day. To donate, an employee must have a leave balance of at least six leave days.

The request shall be made through the intended recipient's principal or supervisor and approved by the employee benefits manager. "Friends Helping Friends" shall be a donor program based on goodwill; neither the prospective donors nor the District shall be responsible for fulfilling any or all of the days requested.

**Major Disaster Leave Donation**

In the event of a major disaster or emergency, as declared by the President of the United States, the Superintendent may approve the establishment of a leave-sharing plan for employees adversely affected by the disaster or emergency. For purposes of the plan, an employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee that requires the employee to be absent from work.

Each employee may donate a maximum of three days of local or state personal leave per school year, and the minimum donation shall be one-half day. To donate, an employee must have a leave balance of at least six leave days.

The Superintendent or designee shall develop administrative regulations for the operation of the major disaster leave sharing program bank that address the following:

1. Implementation of the major disaster leave sharing program;
2. Procedures to request leave from the major disaster leave sharing program;
3. The maximum number of days per school year a member employee may receive from the major disaster leave sharing program;
4. The committee or administrator authorized to consider requests for leave from the major disaster leave sharing program and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the major disaster leave sharing program.

**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.

**Unpaid Personal  
Illness Leave for  
Noncertified  
Employees**

A paraprofessional or other noncertified employee may be granted up to 90 calendar days of unpaid personal illness leave for a work-related or non-work-related personal injury or illness once all other available leave has been exhausted. The employee may elect to continue, at his or her own expense, the District's group insurance plan according to COBRA guidelines. [See CRD]

Each application shall be submitted to the Superintendent in writing. The application shall include all pertinent information and supporting evidence needed in order for the Superintendent to make a decision regarding granting the leave. Each request shall be reviewed and considered on a case-by-case basis.

An employee who has been granted unpaid personal illness leave shall be entitled to reinstatement in the position vacated if the employee reports to the supervising administrator within three days following release with medical certification of the employee's ability to perform the essential functions of the employee's job, with or without reasonable accommodation, and the position is available. If the position vacated is unavailable at the time the employee requests reinstatement, the employee's name shall be placed on the substitute roster, if any, and the employee shall be considered for a subsequent vacancy along with other applicants.

**Other Unpaid Leave**

An employee who has exhausted all available leave options in a school year may qualify for up to ten additional leave days of unpaid leave under the following conditions:

1. The days granted shall result in a full dock of the employee's daily rate of pay, whether or not a substitute was employed.
2. Medical certification shall be made by a health-care provider as defined by the FMLA [see DECA(LEGAL)] for items 4b and 4c below.
3. Certification, such as an obituary notice from a newspaper or funeral home, shall be required for use of this leave due to a death in the family.
4. The days shall be granted only for:

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- a. Death in the employee's immediate family;
- b. Accidental injury of the employee or a member of the employee's immediate family that requires medical treatment;
- c. Illness of the employee or a member of the employee's immediate family requiring medical treatment; or
- d. Up to two days for situations not covered by the criteria listed above. Medical or other certification shall not be required for these days; however, the total of ten unpaid leave days per school year shall not be exceeded.

Application for use of unpaid leave shall be submitted in writing to the employee's supervisor and must be approved by the Superintendent or designee.

Leave for Advanced  
Academic  
Preparation

A one-year, unpaid leave of absence for advanced academic preparation may be granted by the Board upon recommendation of the Superintendent after completion of two consecutive years of employment in the District. An employee shall submit a written request for the leave prior to June 1 for a leave commencing during the next school year. Any exception to this requirement must be approved by the Superintendent or designee. In addition, the employee must be enrolled in an approved graduate program for a minimum of nine hours during each of the fall and spring semesters. An approved advanced degree plan shall be on file in the District's personnel office. The Superintendent shall recommend approval of the leave to the Board if the employee meets the criteria and has been recommended by the principal.

The employee shall notify the executive director for human resources in writing by March 1 of the year in which the employee is on leave whether or not the employee plans to return to his or her position in the District.

At the completion of the leave, the employee shall be assigned to the same campus provided a vacancy is available in an area for which the employee is certified. All accrued benefits shall be retained. Should the employee fail to give notice of intent to return, a position shall not be held and benefits shall be forfeited.

During the leave of absence for advanced academic preparation, the employee may continue participation in the employee health-care program by paying premiums in advance. [See CRD(LOCAL)]

**Other Absences**

Any other leaves granted or days of absence shall result in the deduction of the employee's daily rate for each day of absence, unless otherwise provided. In addition, absences without paid leave



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or approved unpaid leave, as well as excessive absenteeism, may result in disciplinary action, up to and including termination of employment.

**Excessive  
Absenteeism**

When an employee's absences interfere with the employee's ability to fulfill required job responsibilities, establish a pattern of absences, or exceed the annual allotted state and local days, with the exception of approved leave, 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.

**Family and Medical  
Leave**

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be August 1 through July 31.

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

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**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.]

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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. Documentation of compliance with the subpoena or jury service shall be presented by the employee, but the employee shall retain any compensation for this service.

**Reimbursement for  
Leave**

**Upon Retirement**

Full-time employees who have been employed by the District a minimum of five years and who retire under the Teacher Retirement System of Texas (TRS) guidelines shall be paid for unused state leave and local leave at retirement, up to the number of workdays for one contract year or the number of duty days specified for the position, whichever is appropriate. Payment shall be at the certified substitute teacher rate of pay for exempt employees, including administrators. For all other nonexempt employees, the rate of pay shall be 50 percent of the employee's daily rate of pay, not to exceed the daily rate of pay for a non-degreed substitute teacher.

**Upon Resignation**

A professional employee who resigns with at least five consecutive years of service in the District may be paid for accumulated unused local leave at the certified substitute's daily rate of pay, up to the number of contracted days in one school year.

The employee must provide advance written notice of intent to retire/resign from employment as follows:

1. Chapter 21 contract employees must have their resignations accepted by the Superintendent.
2. All other employees must provide at least two weeks' (ten workdays') notice.

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401(a) Plan

An employee qualifying for reimbursement for unused leave shall have the funds deposited to a federally approved 401(a) plan. The employee may then choose from among the financial options available in the plan.

District employees employed by the District and assigned to duty as of May 1, 2001, must elect no later than May 31, 2001, whether to receive this benefit in cash. All persons beginning their assignments after May 1, 2001, and those employees eligible to make the election for cash but failing to do so by May 31, 2001, shall have their leave reimbursement made to the federally approved 401(a) plan.

**Job Abandonment**

An employee who is absent from duty for three consecutive days without notifying his or her immediate supervisor of his or her status and the anticipated date of return may be deemed to have voluntarily resigned from the District and may be dismissed from employment in accordance with policy. [See DFBB, DCD, and DF series]

**Neutral Absence Control**

Prior to the expiration of an employee's approved medical leave, 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 ADA(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] If terminated, the employee may apply for reemployment with the District.