

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

**Definitions**

The term "immediate family" is defined as:0)

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 causes the employee to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery time or are expected to result in disability or death. Complications resulting from pregnancy shall be treated the same as any other condition.

**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

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

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:0.

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.

**Recording**

Leave shall be recorded as follows:0.

1. Leave shall be recorded in full or half-day increments for all employees.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

**Order of Use**

The District may require that earned compensatory leave and non-duty extended leave be used before any available paid state and local leave. Nonduty extended leave is earned time-off for 12-month employees who have not used said leave within the calendar year it is earned. [See DEAB]

Other than compensatory leave and non-duty extended leave, available leave shall be used in the order determined by each employee.

**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:0.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

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;
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:0.

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 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, scheduled staff development, or District operations, as well as the availability of substitutes.

Duration of  
Leave

Discretionary use of state personal leave shall not exceed five consecutive workdays, and no more than ten leave days may be used per school year. Requests for exceptions to these limitations shall be made directly to the Superintendent. In deciding whether to approve or deny state personal leave, the Superintendent shall not seek or consider the reasons for which an employee requests to use leave. The Superintendent shall, however, consider the effect of the employee's absence on the educational program, scheduled staff develop-

ment, or District operations, as well as the availability of substitutes.

**Local Leave**

All full-time employees shall earn five, six, or seven paid local leave days per school year for positions normally requiring ten, 11, or 12 months of service per year, respectively.

Each part-time employee shall earn local leave on the basis of the length of the employee's workday as follows:0.

1. In a position normally requiring three hours of service per day, an employee shall earn five three-hour days per year for a total of 15 hours of local leave.
2. In a position normally requiring four hours of service per day, an employee shall earn five four-hour days per year for a total of 20 hours of local leave.

Local leave shall accumulate without limit.

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

**Special Leave of Absence**

A leave of absence for a period of one teaching year beginning with the fall semester shall be available to each contract and/or exempt employee with at least four consecutive years of service in the District, subject to the following conditions:0.

1. This leave shall apply to use for higher education, child care, research, or field research.
2. The District shall not be responsible for compensation for salary or insurance coverage during a leave of absence. [See CRD(LOCAL)]
3. A leave of absence shall be subject to the approval of the Superintendent and the Board.
4. Upon completion of a leave of absence, the employee shall be guaranteed employment within the system with no loss of credit for service.
5. The individual taking a leave of absence shall not lose any leave accumulated.
6. An employee shall not be eligible for this leave immediately following a special child care leave.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

**Special Child Care Leave**

Child care leave for a period of one teaching year shall be available to each contract and/or exempt employee who has been employed with the District for a period of no less than two consecutive years, subject to the following conditions:0.

1. Child care leave shall be subject to the approval of the Superintendent and the Board.
2. The District shall not be responsible for compensation for salary or insurance coverage during child care leave. [See CRD(LOCAL)]
3. Upon application for an existing vacancy, the District shall give preference in employment to an employee who has taken a child care leave. The District shall not guarantee employment to a person who takes child care leave.
4. An employee who takes child care leave shall not lose accumulated leave under the regular leave policy.
5. An employee shall not be eligible for this leave immediately following a special leave of absence.

**Sick Leave Pool**

A full-time employee who has exhausted all paid leave, who has been absent four workdays without pay, 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.

Days shall be donated from one employee, hereinafter termed the "donor," to another employee, termed the "recipient," by following the stated procedures below.

**Limitations**

A paraprofessional employee may only donate to another paraprofessional employee.

A normal pregnancy shall not be included in the sick leave program. However, should there be a complication concerning the mother or baby before, during, or after delivery, the sick leave donor program would then apply for the duration of the complication.

The maximum number of days an employee may donate shall be five local leave days per school year but not more than one day per pay period per recipient.

The maximum number of days received from the program by one recipient may not exceed 45 days during the school year.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

The school year shall be defined as August 1 through July 31 of the following year.

Procedures for  
Request

A written request for the donation of sick leave days shall be made by the recipient. In case the incapacity is of such a nature that the recipient cannot personally apply, the request may be submitted by an authorized agent or a family member. If there is no authorized agent, a principal or supervisor may act on behalf of the recipient.

Requests may not be made for an employee who is on long-term disability insurance through the District. In no case shall the recipient receive a daily rate that exceeds his or her current daily salary.

In the event of the death of the recipient, donated days shall not be transferred to the estate of the deceased.

The request form shall be submitted to the human resources department, which will take the request to a District administrative committee (DAC), which will review the requirements for distribution to the sick leave pool. Upon review, if the request meets the definition of catastrophic illness or injury, the District review committee shall release the request to campus DAC representatives for distribution on campus.

This plan is a donor program based on goodwill. Neither the DAC representative, the donors, nor the District shall be responsible for fulfilling any or all days requested.

Procedures for  
Donations

Donor forms may be obtained from the campus DAC representative on the donor's campus or from human resources. The form must be returned to that representative or human resources.

The confidentiality of the donor shall be protected by the various staff members involved in processing the forms.

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.

**Bereavement  
(Funeral) Leave**

In the event of a death in an employee's immediate family, the District shall grant the employee as many as five days of local bereavement leave prior to the use of any sick days or personal days. One day of bereavement leave must be used the day of the funeral or adjacent to the day of the funeral. The campus principal shall provide approval for such leave.

**Family and Medical  
Leave**

Twelve-Month  
Period

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.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

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 may 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]
<b>Temporary Disability Leave</b>	<p>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. All other employees shall be eligible for unpaid temporary disability leave after the completion of the probationary period, as defined in the employee handbook. 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.]</p> <p>Medical certification that meets the requirements of the FMLA shall be required from an employee requesting temporary disability leave. For absences of more than 30 days, recertification may be required in accordance with the FMLA. [See DEC(LEGAL)]</p>
<b>Workers' Compensation</b>	<hr/> <p><b>Note:</b> Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation</p>

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.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

**Court Appearances**

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

**Former Reimbursement at Retirement Plan**

The Board rescinded the reimbursement at retirement plan effective at the end of the 2005–06 school year. Eligibility was determined for individual employees during the 2005–06 school year, and the former reimbursement at retirement plan shall not apply to any other employees. The eligible employees who meet the retirement requirements established by the former plan shall be allowed to retire at any time under the conditions of the former plan. A retiring employee's benefits shall be calculated using the 2005–06 base salary and local sick leave earned through August 31, 2006.

**Reimbursement for Unused Local Leave**

The District shall establish a reimbursement program fund limited to 1.0 percent of the total District budgeted salaries for the current year. If a balance remains from any year, the amount shall be added to the percent allocated the next year, not to exceed a total of \$100,000 plus the 1.0 percent salary factor.

An employee who takes full service retirement with the Texas Teacher Retirement System (TRS) with a combination of age and service years equal to 80 or more shall be compensated for accumulated local sick leave accrued while employed by the District at 50 percent of the rate of his or her daily wage at the time of retirement. A retiring employee may be compensated for no more than the number of workdays for one contract year or for the number of duty days specified for the position, whichever is appropriate.

An employee who takes reduced service retirement with TRS shall be compensated for up to 100 days of local sick leave accrued while employed by the District at the rate of the daily wage of a substitute in effect at the time of retirement.

An employee who requests participation but is denied due to percent allocation shall be guaranteed payment of benefits the next



COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

school year. Available funds shall be disbursed based on seniority of total years of experience as recognized by TRS.

The Superintendent or designee shall provide administrative procedures for employees who exercise this reimbursement plan. This policy became effective beginning with employees retiring under TRS-80 in the 2006–07 school year. This policy shall be reviewed annually with a report given to the Board during the budget presentation.

Once an employee has chosen to exercise his or her rights under this plan, the decision of the employee shall be irrevocable. An employee may exercise his or her rights under this plan only once. After exercising his or her rights, an employee may continue to serve the District as an employee only with the express approval of the Board.

Local leave days for which the employee receives compensation shall be deducted from the employee's accrued total. The compensation of local leave days at retirement has been instigated as an attendance incentive for employees.

**Neutral Absence  
Control**

The District shall pursue termination when an employee is no longer on an approved leave and has not returned to work. An at-will employee shall be automatically terminated. For professional contract employees, failure to return from leave may constitute good cause for termination.