

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

COMPREHENSIVE
LEAVE

The District's comprehensive leave program includes both paid leave and unpaid leave privileges. 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. [See also DED(LOCAL) for provisions on vacation for 12-month employees]

COMPENSATED LEAVE

Paid leave includes state personal leave, local leave, state sick leave accumulated before May 1, 1995, and vacation leave.

In addition, an employee may be absent without loss of pay and without the absence being charged against the employee's accrued accumulated leave for assault leave, funeral leave as specified below, jury duty, witness subpoenas, professional business, professional consultation, dispute resolution meetings, reserve military duty, and Fulbright Teacher Exchange Programs. [See OTHER PAID LEAVES, below]

Paid leave provisions apply to all salaried and eligible hourly employees. Eligible hourly employees are those in standing, daily assignments that meet the criteria for membership in the Teacher Retirement System (TRS) of Texas. [See TRS Eligibility Requirements]

Paid leave provisions do not apply to individuals whose positions do not meet TRS eligibility criteria. Personnel on less than a 12-month duty schedule who are employed for additional periods of duty on a noncontract status during the summer months are not eligible to use or to accrue personal leave during these periods.

ADVANCED LEAVE

In no instance may state or local leave be approved for more days than have been accumulated in prior years plus that which shall be earned during the employment period of the current school year. Should a recipient of advanced paid leave resign from employment with the District prior to earning the amount of leave advanced, the recipient will have the advanced leave pay deducted from his or her final check.

RATE OF ACCRUAL

An employee shall accrue one day of paid leave per each month of service to be credited at the beginning of each school year. The first five days accrued shall be designated as state personal leave; the remainder of days accrued shall be designated as local leave.

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TYPES OF LEAVE

Types of Leave	Paid/Unpaid	Number of Days Paid
State Personal Leave [See DEC(LEGAL)]	Paid	5 days per year
Local Personal Leave 10-month employees 11-month employees 12-month employees	Paid	5 days per year 6 days per year 7 days per year
Temporary Disability All leave-eligible employees For full-time educators, temporary disability shall be in accordance with Education Code 21.409. may be granted to other District employees with limitations established at TEMPORARY DISABILITY, below	Unpaid	180 calendar days
Funeral Leave On the death of a spouse, parent, current parent-in-law, child, sibling, or other person residing in the employee's household	Paid	3 days per event
Vacation Leave For 12-month employees only		

STATE PERSONAL LEAVE

The District has established a state personal leave program consisting of five days of paid leave annually, as required by law. [See DEC(LEGAL)]

TYPES OF STATE PERSONAL LEAVE

Under authority of Education Code 22.003 and to preserve the employee's leave benefit while minimizing disruption to the instructional program, the Board requires employees to differentiate between uses of personal leave:

DISCRETIONARY

1. To be taken at the individual employee's discretion, subject to limitations set out below. Each employee who accrues state

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	<p>personal leave may take up to five days a year as discretionary personal leave.</p>
NON-DISCRETIONARY	<p>2. To be used for the same reasons and in the same manner as state sick leave accumulated prior to May 30, 1995. [See DEC(LEGAL) and see MEDICAL CERTIFICATION, below]</p>
USE OF DISCRETIONARY LEAVE	<p>A notice of request for discretionary state personal leave shall be submitted to the principal/work location supervisor or designee in advance of the anticipated absence; discretionary personal 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 personal leave.</p>
REQUEST FOR LEAVE	<p>The principal or designee shall notify the employee in advance whether the request is granted or denied.</p>
DURATION OF LEAVE	<p>Discretionary personal leave may not be taken for more than three consecutive days.</p>
SCHEDULE LIMITATIONS	<p>Discretionary leave shall not be allowed during or on:</p> <ol style="list-style-type: none">1. The first week of a new semester,2. The day before or after a school holiday,3. Days scheduled for end-of-semester or end-of-year exams,4. Days scheduled for state-mandated assessments, or5. Professional or staff development days.
LOCAL LEAVE	<p>Employees may use local leave with full pay when unable to report to work due to personal illness, illness of an immediate family member, or for a death in the immediate family. Up to three days of paid local leave may be used also for excused personal business.</p> <p>If the condition preventing the employee from attending work qualifies for family and medical leave, the District shall classify any leave taken as FMLA leave. If the employee exhausts all paid leave and is still unable to return to work, he or she may be placed on temporary disability leave. [See DEC(LEGAL) and local provisions below]</p>
MEDICAL CERTIFICATION	<p>Certification by a doctor who is duly registered and licensed under the Medical Practice Act of Texas, a licensed chiropractor, a Christian Scientist practitioner, or a licensed podiatrist (chiroprapist) shall be required for personal illness absences in excess of seven consecutive duty days. Absences in excess of seven days are subject</p>

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to verification by the District Health and Medical Services Department.

When an employee's absences become a concern or a pattern of absences becomes established, the principal/supervisor may review with the employee the reason for such absences. Such absences may be subject to medical verification.

DEFINITIONS
IMMEDIATE
FAMILY

For the purposes of state sick leave accrued before May 30, 1995, and local sick leave, the term "immediate family" shall include:

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, 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, the definition of "family" shall include only items 1, 2, and 3 on the above list, but shall exclude son- or daughter-in-law, and parent-in-law.

FAMILY
EMERGENCY

The term "family emergency" shall be limited to natural disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

TEMPORARY
DISABILITY LEAVE
EDUCATORS

Temporary disability (unpaid) leave shall be granted to full-time educators who meet the statutory criteria. [See DEC(LEGAL)] The maximum length of such leave shall be 180 calendar days and reinstatement to active duty shall be in accordance with statutory guidelines and the appropriate administrative regulations ("regulations").

OTHER
EMPLOYEES

A temporary disability (unpaid) leave may be granted also to other eligible employees for a maximum of 180 calendar days, upon approval by the Superintendent or designee. Application for this leave shall be submitted in accordance with the established regulations. Reinstatement to regular employment shall be on a position-available basis only.

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REINSTATEMENT OR RESIGNATION	<p>An employee reaching the end of the temporary disability leave period shall provide timely written notice, as required by the regulations, of his or her intention to resume active duty or to request an extension of leave. A request for extended leave may be granted by the Superintendent or designee. [See also FITNESS-FOR-DUTY CERTIFICATION, below]</p> <p>Failure to comply with specific regulation provisions shall constitute good cause for termination of contract employees, in accordance with law and District policies. [See DF policy series]</p>
LEAVE ACCUMULATION COMPUTATION	<p>The following shall apply to state and local leave, which are cumulative on an unlimited basis:</p> <ol style="list-style-type: none">1. Each eligible full-time employee shall earn leave at the rate of one working day per month of assigned responsibility to be credited to the employee at the beginning of each school year (12 days for 12-month employees, 11 days for 11-month employees, ten days for ten-month employees.) This includes both state personal leave and local leave.2. Salaried employees working less than full time shall accumulate proportional time. For TRS eligible hourly employees, a leave day is defined as the number of hours equivalent to a scheduled workday for the position.
ORDER OF USE	<p>For purposes of personal illness, illness or death in the immediate family, family emergency, or other nondiscretionary reasons, available leave shall be used as determined by the employee. If an employee selects an account where balances are exhausted, the following order shall be used until balances are exhausted:</p> <ol style="list-style-type: none">1. Local leave.2. State personal leave.3. State sick leave accumulated prior to the 1995–96 school year.4. Vacation leave.5. Supplemental Sick Leave Bank (SSLB).
RECORDING	<p>All leave shall be recorded in accordance with the District's <i>Finance Procedures Manual</i>.</p>
AVAILABILITY	<p>Leave for the current year shall be available for use at the beginning of the employee's duty schedule. 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>

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FAMILY AND MEDICAL LEAVE	The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave (FMLA) shall run from July 1 to June 30.
CONCURRENT USE OF LEAVES FMLA LEAVE WORKERS' COMP ABSENCE	The District shall require the use of all applicable state and local leave, personal leave, and vacation leave, if applicable in the order determined by the employee, followed by temporary disability leave when applicable, concurrently with family and medical leave. An employee's family and medical leave entitlement shall run concurrently with a workers' compensation absence if the injury is classified as a serious health condition. [See DEC(LEGAL)]
PAID LEAVE OFFSET	The District shall pay the difference between the weekly income benefit received under workers' compensation and the employee's regular weekly compensation and shall charge leave proportionately up to the employee's accumulated leave benefits.
ASSAULT LEAVE	Assault leave, during which the employee's workers' compensation wage benefits shall be supplemented by the District up to the pre-assault weekly salary, with no deduction from the employee's accumulated paid leave benefits, shall run concurrently with family and medical leave. [See DEC(LEGAL)]
FUNERAL LEAVE	Regular employees eligible for the comprehensive leave program may receive funeral leave and be absent without loss of pay and without deduction from their accrued leave in the case of death of a spouse, child, parent, current parent-in-law, sibling, or any person residing in the employee's home at the time of death, for a period not to exceed three days per occurrence. Additional days and all other funerals shall be charged to the employee's accrued leave balance. Regular hourly employees may use personal leave days for a death in the employee's immediate family.
PAYMENT FOR UNUSED LEAVE THE 1972 PLAN	An employee hired before October 10, 1972, who leaves employment with the District shall be eligible to receive payment for accumulated unused paid leave if he or she: <ol style="list-style-type: none">1. Has been continually employed by the District since initial employment; and2. Has become eligible for retirement in accordance with the Teacher Retirement System of Texas. An employee who meets all criteria shall receive payment for the unused portion of any accumulated unused paid leave benefits at his or her current daily rate of pay, not to exceed one-half of the contract year or the number of days available as of August 31, 1986, whichever is less.

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If an employee dies while under contract, any accumulated personal leave benefits, not to exceed one-half of the contract year or the number of days available as of August 31, 1986, shall be paid to the estate of the deceased.

EXCEPTION

Unless otherwise approved by the Board, an employee is not eligible for buy-back of unused state sick leave, state personal leave, and local personal leave if he or she:

1. Is terminated from employment with the District;
2. Resigns or retires in lieu of termination or nonrenewal;
3. Is under investigation for a terminable offense (while the investigation continues); or
4. Is found guilty in an investigation for a terminable offense.

ATTENDANCE
INCENTIVE PLAN

The District may “buy-back” any accrued but unused state leave from employees, in accordance with options of the Attendance Incentive Plan described below. Employees wishing to participate in any of these options shall apply in writing, observing time lines and following procedures specified by the payroll department.

OPTION 1

EMPLOYEE
INCENTIVE BANK

Beginning with the 2009–10 school year, an employee who has used five or less leave days (state leave, state sick leave, local leave) during the school year shall have the option of identifying and transferring up to five state leave days to an employee’s Incentive Leave Bank. Any days added to an employee’s Incentive Bank shall be eligible for a cash payout at retirement. The days eligible for transfer each year are as follows:

Days of Leave Used ¹	Number of State Days Eligible for Transfer Annually
1	4
2	3
3	2
4	1
5	0

¹state leave, state sick leave, local leave

All leave time in an employee’s Incentive Plan may be taken as leave when other leave accounts are exhausted or transferred to another school district.

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Requirements for the Employee Incentive Bank shall be published annually by Human Resources.

OPTION 2
FULL BUY-BACK
AT RETIREMENT

Beginning with the 1997–98 school year, an employee in good standing who retires in accordance with provisions of the Teacher Retirement System of Texas shall receive full buyback at retirement based on the following:

1. Accumulated but unused state personal leave and state sick leave balances as of August 31, 2009; and
2. Accumulated but unused balance in the Employee Incentive Bank.

Payout is 100 percent of each day's value calculated at the employee's current rate the last day of the contract year in which the days were accrued. The rate of pay does not include stipends, extra duty pay, overtime, incentive pay, or the like. This provision shall not apply to local leave days, except in the special circumstances noted at THE 1972 PLAN, below.

This benefit shall be calculated automatically upon retirement for each employee who completes an affidavit certifying that he or she is retiring under TRS. Verification shall be obtained from TRS that the employee actually retired before the benefits are granted.

These retirement benefits shall not be available to an employee under investigation, or whose employment is terminated by the District, or who resigns or retires in lieu of termination or nonrenewal, unless otherwise approved by the Board.

THE 1972 PLAN

If the employee was continuously employed by the District prior to October 10, 1972, and is eligible to receive partial payment for accrued personal leave, the employee shall be eligible also for payment of an additional benefit under this section up to a maximum amount equivalent to one-half the employee's annual contract salary. The additional payment shall be equal to the lesser of the following:

1. The accumulated but unused state personal leave and state sick leave balances; or
2. The number of days remaining in the employee's combined local leave bank after the number of days eligible for payment under the 1972 Plan are subtracted, whichever is less.

The 1972 Plan applies only to employees hired prior to October 10, 1972. The number of days eligible for payment under the 1972 Plan was frozen on August 31, 1986.

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SUPPLEMENTAL SICK
LEAVE BANK (SSLB)

All employees who have applied and been approved to use the Supplemental Sick Leave Bank (SSLB) may be absent with full pay for the number of days, up to 30, approved by the District's health care insurance carrier. Implementation procedures shall be as indicated in the *Finance Procedures Manual*.

An employee must contribute to the bank one local leave day per fiscal year. The contribution shall entitle the employee to a maximum of 30 supplemental leave days for that fiscal year.

FAMILY AND MEDICAL
LEAVE —
CERTIFICATION OF
HEALTH CONDITION

Employees who request a leave of absence under the Family and Medical Leave Act for their serious health condition or that of a family member must provide the District with documentation from the health care provider that supports their request for such leave. Such written certification should be provided, when possible, in advance or at the start of the leave. The certification form is available from the Department of Human Resources.

If an employee's leave is foreseeable and he or she fails to submit the required certification within the time frame requested (which shall be no less than 15 days after the receipt of the request for leave), the employee's family and medical leave may be delayed until the required certification is provided. If repeated requests for the certification are ignored, family and medical leave may be denied.

If the need for leave is not foreseeable, an employee must provide the medical certification within the time frame requested (which shall be no less than 15 days after the receipt of the request for leave) or as soon as reasonably possible under the particular facts and circumstances. If an employee fails to provide a medical certification within a reasonable time under the pertinent circumstances, the continuation of his or her family and medical leave may be delayed. If a certification is never produced, the leave will not constitute family and medical leave and will result in a review of the period of absence for appropriate disciplinary action, which may include termination.

VERIFICATION
OF FAMILY
RELATIONSHIP

An employee requesting leave for the birth or placement of a child with the employee for adoption or state-approved foster care, or to care for a family member with a serious health condition, may be required to provide reasonable documentation of a family relationship. The Department of Human Resources shall inform the employee of any need for such verification.

COMBINED LEAVE
FOR SPOUSES

If both spouses are employed by the District, family and medical leave to care for their newborn child, or upon the adoption or placement of a child, or to care for a parent with a serious health

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condition may be limited to a combined total of 12 weeks, as determined by the needs of the District.

INTERMITTENT
LEAVE

In addition to the uses for intermittent leave provided for by the Family and Medical Leave Act [see DEC(LEGAL)], the District shall permit intermittent leave for the care of an employee's newborn child and for the adoption or placement of a child with the employee.

TEACHER
REINSTATEMENT

A teacher desiring to return to work at or near the conclusion of a semester shall be reinstated in accordance with the END-OF-TERM LEAVE section in DEC(LEGAL).

RESIGNATION

If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.

INTERMITTENT OR
REDUCED LEAVE
SCHEDULE

If the leave involves an intermittent or a reduced work schedule for the employee's own serious health condition or for the care of a family member with a serious health condition, the Certification of Physician Form must be submitted by the health care provider stating that the leave is medically necessary or will assist the employee's recovery, and must indicate the expected duration and schedule of such intermittent leave.

FITNESS-FOR-DUTY
CERTIFICATION

Upon returning to work from a medical leave of absence of more than seven calendar days' duration, an employee shall be required to provide certification from the employee's health care provider that the employee is able to return to work. The cost, if any, of a fitness-for-duty certification shall be borne by the employee. Failure to provide the required return to work certification may result in a delay of job restoration until the certification is provided.

COUNTING FMLA
LEAVE

If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken shall count as FMLA leave. [See DEC(LEGAL) for Family and Medical Leave provisions]

OTHER PAID LEAVES

In order to encourage involvement and active participation in professional activities, family life, and public service, an employee may request to be absent with full pay for the purposes outlined below. Any employee desiring such leave should submit a request to the appropriate superior (principal, department head, or supervisor) at least ten school days in advance of the pending absence and make a written request on the short leave form. Such leave shall not be charged against the employee's accumulated leave balance.

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JURY DUTY AND OTHER COURT APPEARANCES	An employee shall be granted leave with pay and without loss of accumulated leave for jury duty. The employee shall be required to present documentation of the service and shall be allowed to retain any compensation for jury duty. However, absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.
PROFESSIONAL BUSINESS	<p>Short leaves with full pay may be granted to employees for visiting schools, for attending important professional meetings, or for carrying out some special assignments on recommendation of the department head and the Superintendent. An employee may be asked to file a written report. Each administrator may be allowed professional leave without salary deduction for attending national and state professional meetings, visiting schools, and attending other professional meetings, at his or her own expense, upon approval of the immediate supervisor and department head.</p> <p>Procedures for authorization and reimbursement for a professional trip are outlined in the <i>Finance Procedures Manual</i>.</p>
PROFESSIONAL CONSULTATION	When meetings between the Board or designee and the representative organization are scheduled during normal working hours of a school day, the members shall be relieved, as necessary, from all regular duties without loss of pay in order to permit their attendance at such meetings.
EMPLOYMENT DISPUTE RESOLUTION MEETINGS	When it is necessary for any party of interest to attend an employment dispute resolution meeting, he or she shall, upon notice, be released without loss of pay in order to permit participation in the foregoing activities. Any employee who appears as a witness in such investigation or meetings shall be accorded the same right. [See DGBA(LOCAL) and appropriate regulations]
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 may apply to the Superintendent or designee in accordance with administrative regulations.
UNPAID LEAVES POLITICAL LEAVE	Upon application, an unpaid leave of absence not to exceed four years shall be granted to any employee for the purpose of seeking or, if elected, serving in a public office.
DEVELOPMENTAL LEAVE	An employee may be granted an unpaid leave for one year for the purpose of engaging in a study designed to improve the employee's professional competence. Such leave request shall be

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accompanied by a statement describing how the leave is designed to improve professional competence. A study leave shall be effective at the beginning of the semester following the date of request. Upon request, such leave may be extended for one additional year. Upon returning, the employee must provide proof of the academic work completed.

An employee with five years of service with TRS may purchase up to two years of credit for developmental leave by notifying TRS in advance of the intention to take such leave, having the District certify that the leave request will meet the requirements of improving professional competency, and making the appropriate deposit with TRS.