

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Definitions	The definitions of spouse, parent, son or daughter, next of kin, personal injury, or illness are found in DECA(LEGAL).
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.
Catastrophic Illness or Injury	A catastrophic illness or injury is a severe medical condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family from which recovery and/or return to work is not likely. Pregnancy-related conditions 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	Only full-time employees, those who work 18.75 hours or more per week, shall earn 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	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.
Leave without Pay	
Leave Proration <i>Employed for Less Than Full Year</i>	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: <ol style="list-style-type: none">1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and2. Local leave the employee used but had not earned as of the date of separation.
<i>Employed for Full Year</i>	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.
Recording	Leave shall be recorded as follows: <ol style="list-style-type: none">1. In half-day increments for all employees.

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2. If the employee is taking intermittent FMLA leave, leave shall be recorded in half-day increments.

Order of Use

Earned compensatory time shall be used before any available paid state and local leave. [See DEAB]

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. Off-duty days including vacation days.
3. State personal leave.
4. State sick leave accumulated before the 1995–96 school year.

An employee who has available state and/or local leave may not elect to be docked in lieu of using paid leave, except in cases involving workers' compensation. Use of extended sick leave days shall be permitted only after all vacation days, off-duty days, and available state and local leave days have been exhausted. Sick leave pool days shall be permitted only after all available state, local, off-duty, and vacation leave days have 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 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;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child;
4. The employee requests FMLA leave for military caregiver purposes; or

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5. The employee requests leave for a catastrophic health condition of the employee or the employee's immediate family.

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).

State Personal Leave

Each employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate established in administrative procedures.

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

To use state personal leave, local leave, off-duty days, or vacation days, in increments greater than two days, an employee shall submit a written request at least five days in advance of the requested use.

Generally, requests to use state personal leave, local leave, off-duty days, or vacation days shall not be granted:

1. The day before or after a school holiday.
2. The day before or after any semester.
3. Any day on which staff development or professional development is scheduled.
4. Any other time determined by the principal or supervisor for which the employee's absence impacts the educational program or District operations.

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 employee requests to use leave.

Local Leave

All full-time employees who work a regular schedule shall earn up to two paid local leave days per school year. In addition, employees who work a 261-day schedule shall earn ten paid vacation days per year.

Local leave shall be noncumulative.

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

**Off-Duty Days for
12-Month Contract
Employees**

Exempt employees who work on a 12-month schedule may take off-duty days from July 1 of the calendar year through August 31 of the following calendar year. This constitutes a 14-month period of time for the use of off-duty days.

Non-exempt employees who work on a 12-month schedule may take off-duty days from July 1 of the calendar year through June 30 of the following calendar year.

The employee and his or her supervisor shall be responsible for the scheduling of leave and recordkeeping.

The District shall not reimburse an employee for any unused off-duty days upon his or her separation from employment with the District.

Nothing in this policy or provision shall alter the at-will status of an employee.

Extended Sick Leave

After all vacation days, off-duty days, and available state and local leave days have been exhausted, a full-time employee who has worked, in a full-time capacity, for the District for the 12 consecutive months preceding the need for leave shall be granted in a school year a maximum of 30 workdays of extended sick leave to be used:

- For the employee's personal illness or injury, including pregnancy-related illness or injury;
- For absences related to the illness, injury, or disability of a member of the employee's immediate family; or
- For the birth or adoption of a child. Eligibility for extended sick leave shall not affect eligibility for leave under the FMLA.

To be eligible for extended sick leave, the employee shall have been absent at least five consecutive workdays. Once the employee has met this minimum absence requirement, extended sick leave days can be taken intermittently for the same condition, so long as the employee provides the District with supporting documentation from the treating physician.

Extended sick leave shall not apply to days for which a paycheck has already been issued and may be used only once each school year, defined as July 1 through June 30.

Extended sick leave shall be taken at half-dock. After extended sick leave benefits have been exhausted, an employee shall be docked a full day's pay for each day of absence.

A full-time employee hired to work at least 50 percent but less than 100 percent of the day shall be granted extended sick leave for the number of days commensurate with the percentage of his or her employment, not to exceed 30 workdays.

Unpaid Leave

A full-time employee who has worked for the District, in a full-time capacity, for less than 12 consecutive months preceding the need for leave shall be granted in a school year a maximum of 30 workdays of unpaid leave to be used:

- For the employee's personal illness or injury, including pregnancy-related illness or injury;
- For absences related to the illness, injury, or disability of a member of the employee's immediate family; or
- For the birth or adoption of a child.

To be eligible for unpaid leave, the employee shall have been absent for at least five consecutive workdays. Once the employee has met this minimum absence requirement, unpaid leave days can be taken intermittently for the same condition, so long as the employee provides the District with supporting documentation from the treating physician.

Certification of Illness or Injury and Fitness to Return

A written request for extended sick leave or unpaid leave shall be accompanied by medical certification of the illness or injury, which shall be completed by a physician licensed to practice medicine in the United States, and a properly completed District application for leave form.

An employee shall use the medical certification form prescribed by the District, which may be required to be renewed during a prolonged illness. The human resources department shall receive and approve the request for paid or unpaid leave.

The District shall require an employee returning from personal illness to provide a medical certification of fitness to perform job-related duties.

Sick Leave Pool

An employee who has exhausted all paid leave 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, not to exceed 30 donated days, to which District employees may donate local leave or state personal leave for use by the eligible employee.

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

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	<p>The pool shall be created in accordance with District procedure DEC.</p> <p>The pool shall cease to exist when the employee no longer needs leave for the purpose requested or the employee exhausts all leave days donated to the sick leave pool.</p>
<p>Exclusion of Employees Receiving Income Replacement Benefits</p>	<p>An employee on any type of leave who receives income replacement benefits from any source shall not be eligible for the sick leave pool.</p>
<p>Appeal</p>	<p>All decisions regarding the establishment or implementation of the District's sick leave pool may be appealed in accordance with DGBA(LOCAL).</p>
<p>Family and Medical Leave</p>	<p>For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.</p>
<p>Twelve-Month Period</p>	
<p>Combined Leave for Spouses</p>	<p>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)]</p>
<p>Intermittent or Reduced-Schedule Leave</p>	<p>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.]</p>
<p>Certification of Leave</p>	<p>If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]</p>
<p>Fitness-for-Duty Certification</p>	<p>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.</p>
<p>End-of-Semester Leave</p>	<p>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]</p>
<p>Failure to Return</p>	<p>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</p>

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	<p>reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]</p>
Temporary Disability Leave	<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. 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>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.</p>
Workers' Compensation	<hr/> <p>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.]</p> <hr/>
	<p>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.</p> <p>An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave. An employee who does not elect to use paid leave shall receive only workers' compensation income benefits.</p>
Court Appearances	<p>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.</p>
Annual Reimbursement for Leave	<p>All employees shall receive an annual reimbursement for unused local leave to a maximum of two days per school year.</p> <p>Leave shall be reimbursed at the paraprofessional rate or the certified teacher rate based on the employee's current position. Days that are reimbursed shall not be available to that employee for use in the District.</p> <p>The rate established by the Board shall be in effect until a new rate is adopted. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.</p>
Reimbursement for Leave upon Retirement	<p>Administrative and professional personnel employed prior to July 1, 1988, who retire under the eligibility provisions of the Texas Teacher Retirement System (TRS) shall be paid according to the last daily rate of pay, to a maximum of 60 accumulated days of state sick leave accumulated prior to May 31, 1995, and state</p>

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personal leave, as evidenced by service records. Accumulated time shall be restricted to those days earned while employed by the District. Payment shall be made as compensation and shall be paid at the time of the final contract salary check immediately prior to retirement. The District may require proof of actual retirement. If an administrative or professional employee dies while employed by the District, his or her estate shall be paid any accumulated state sick or personal leave, to a maximum of 60 days as evidenced by service records. The District shall record on the employee's service record any state days paid upon retirement.

Paraprofessional and
Auxiliary Personnel

Paraprofessional and auxiliary personnel employed prior to July 1, 1988, who retire under the eligibility provisions of TRS shall be paid according to the last daily rate of pay, to a maximum of 30 accumulated days of local sick leave, state sick leave earned prior to May 31, 1995, and state personal leave, as evidenced by service records. This provision shall apply only to leave earned while employed in the District. Said payment shall be made as compensation and shall be paid at the time of the final paycheck immediately prior to retirement. The District may require proof of actual retirement. If a paraprofessional or auxiliary employee dies while employed by the District, his or her estate shall be paid for any accumulated local sick leave, to a maximum of 30 days as evidenced by service records. The District shall record on the employee's service record any state days paid upon retirement.

**Neutral Absence
Control**

Prompt and regular attendance is an essential function of every District position. To assist employees, the District offers a comprehensive leave program that provides paid and unpaid leave to employees. Excessive absenteeism or abuse of any leave policy shall result in immediate disciplinary action that could include discharge. If an employee is unable to return to work after all approved leave has been exhausted, employment shall be terminated in accordance with District policy.

An employee must return to work for at least 30 days to be considered as having returned to work.

If medical certification is required to authorize leave for an employee's personal illness or the employee's serious health condition, the employee must provide a medical certification indicating that the employee is fit for duty and is able to perform the essential functions of his or her position, with reasonable accommodations if necessary.

An employee who is absent from work for five or more consecutive working days without notice or approval, and who cannot be reached by the immediate supervisor, may be separated from the District for job abandonment in accordance with District policy.