

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

**Leave  
Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

**Definitions**

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

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for 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 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 if they meet the requirements of this paragraph.

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**Note:** For District contribution to employee insurance during leave, see CRD(LOCAL).

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**Availability**

The District shall make state personal leave for the current year available for use at the beginning of the school year.

The District shall make local leave for the current year available as earned for an employee hired on or after September 1, 2021, and in a position identified in administrative regulations. All other employees shall have local leave for the current year available for use at the beginning of the school year.

**State and Local Leave Proration**

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, 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 state personal leave and local leave the employee used beyond his or her pro rata entitlement for the school year.

**Medical Certification**

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

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
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

**State Personal Leave**

The Board requires employees to differentiate the manner in which state personal leave is used.

**Nondiscretionary Use**

Nondiscretionary 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)]

Nondiscretionary use includes 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.

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<b>Discretionary Use</b>	Discretionary use of leave is at the individual employee's discretion, subject to limitations in accordance with administrative regulations.
<i>Request for Leave</i>	In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.
<b>Local Leave</b>	<p>Each employee shall earn up to seven paid local leave days per school year in accordance with administrative regulations and the employee's expected months of service.</p> <p>Local leave shall accumulate without limit.</p> <p>Local leave shall be used according to the terms and conditions of nondiscretionary state personal leave. [See State Personal Leave—Nondiscretionary Use, above]</p>
<b>Extended Sick Leave</b>	<p>After all available paid leave days and any applicable compensatory time have been exhausted, a full-time employee with at least one year of continuous service with the District shall be allocated ten leave days of extended sick leave per school year, to a maximum of 60 leave days of extended sick leave to be used only for the employee's own personal illness or injury, including pregnancy-related illness or injury.</p> <p>To be eligible for extended sick leave, the employee shall have been absent at least five consecutive workdays.</p> <p>A written request for extended sick leave must be accompanied by medical certification of the illness or injury.</p> <p>The District shall deduct an amount equal to one-half the employee's daily rate of pay for each day of extended sick leave taken.</p> <p>After one year of service with the District, the employee shall be credited with ten leave days of extended sick leave should the employee need to utilize this leave and is eligible for such leave. Ten leave days shall continue to accumulate each year until the employee reaches 60 leave days. An employee shall be eligible for no more than 60 leave days under this provision.</p>
<b>Sick Leave Bank</b>	When budgeted by the Board, the District shall establish up to two sick leave banks that employees may join through contribution of state personal leave.

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Leave contributed to the bank shall be solely for the use of participating employees and their eligible family members.

When an employee-only bank is established, an employee who is a member of the employee-only bank may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave.

When a family bank is established, an employee who is a member of the family bank may request leave from the bank if a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

The Superintendent shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

**Family and Medical  
Leave**

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

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**Note:** See DECA(LEGAL) for provisions addressing FMLA.

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Twelve-Month  
Period

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

Combined Leave for  
Spouses

When 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.

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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.
Certification of Leave	When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.
Fitness-for-Duty Certification	In accordance with administrative regulations, when 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.
Leave at the End of Semester	When 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.
<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. 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 as a request for temporary disability leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.</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 of the District's contribution to health insurance.</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>
Paid Leave Offset	The District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits, excluding assault leave. [See CRE]
<b>Court Appearances</b>	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.

**Payment for  
Accumulated Leave  
Upon Separation**

An employee who separates from employment with the District shall be eligible for payment for accumulated state or local leave under the following conditions:

1. The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning and is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to separate from employment. Contract employees must provide written notice at least 30 calendar days before the last day of employment. Noncontract employees must provide written notice at least 14 calendar days before the last day of employment.
3. Additional eligibility requirements for payment of state leave include:
  - a. The employee is retiring under the Teacher's Retirement System of Texas (TRS);
  - b. The employee has completed at least five years of service with the District; and
  - c. The employee cannot be rehired by the District for three years, unless rehired as a substitute or in an area recognized by the District as a severe shortage area.

The employee shall receive payment for each day of accumulated local leave, to a maximum of 200 days if hired prior to September 1, 2018, or else 125 days, at the following rates:

1. One-half of the employee's salary, based on the current schedule, multiplied by one-third, for an employee with five or fewer years of service with the District only for employees hired prior to September 1, 2018.
2. One-half of the employee's salary, based on the current schedule, multiplied by the number of years of service then divided by 15, for an employee with five but fewer than 15 years of service in the District.
3. One-half of the employee's salary, based on the current schedule, for an employee with at least 15 years of service.

Pending budget availability, the employee shall be paid for each day of state leave, to a maximum of the days accrued while employed with the District if hired after September 1, 2018, or else no maximum, at the following rates:

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1. An exempt employee \$120 per day, adjusted for a part-time employee.
2. A non-exempt employee \$60 per day, adjusted for a part-time employee.

If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

**Neutral Absence  
Control**

At the end of an absence from duty for a period of time in excess of five consecutive workdays and if the employee has not applied and been granted any other type of leave in accordance with this policy and administrative regulations, a full-time employee shall notify his or her principal or immediate supervisor and the director for employee benefits and risk management of his or her desire to be returned to duty, with medical certification of the ability to perform the essential functions of the employee's position, with or without reasonable accommodations.

The Superintendent may, at any time, require the employee desiring to return to duty to be examined by another licensed physician for a second opinion, with the expense of the exam to be paid by the District. The District shall send a physician certification form to the employee by certified or registered mail at the address shown in the employee's personnel records.

The employee shall be considered notified at the time of receipt or time of delivery. Within ten days of the date of mailing, the employee shall submit the medical certification of fitness to perform essential job functions with or without reasonable accommodations or make application for other available leave. Failure to do so shall be deemed an election not to so report, and the employee may be terminated according to the appropriate dismissal policies. [See DCD and DF series] The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA(LEGAL)], shall be considered before termination.

**Suspected Abuse**

Any suspected abuse of the District's leave benefits shall be investigated by the employee's supervisor, and appropriate progressive disciplinary action shall be imposed, including termination, if abuse is substantiated.