

REVISED U117 DRAFT

Leave Administration

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

Definitions

Immediate Family

The term "immediate family" is defined as:

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 ~~of~~ 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. Complications resulting from pregnancy shall be treated the same as any other condition.~~

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

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.

~~State 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.~~

~~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 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 the employee used beyond his or her pro rata entitlement for the school year.:

- ~~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, except that leave may be recorded in one-hour increments for auxiliary employees.~~
- ~~2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour 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. State sick leave accumulated before the 1995-96 school year.~~
- ~~3. State personal leave.~~

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 more than three 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.~~ 3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition ~~or that of the employee's~~ spouse, parent, or child; or
- ~~4.3.~~ 4.3. ~~The employee requests FMLA leave~~ for military caregiver leave ~~purposes.~~

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

~~A misrepresentation of an illness or injury shall result in loss of daily pay for the number of workdays the employee was absent [see Leave without Pay, above] and may serve as the basis for adverse personnel action.~~

	<p>Failure to submit required medical certification may result in the employee being docked his or her daily rate of pay for each day of leave taken beyond four consecutive workdays.</p> <hr/> <p>Note: For District contribution to employee insurance during leave, see CRD(LOCAL).</p> <hr/>
State Personal Leave	<p>The Board requires employees to differentiate the manner in which state personal leave is used.</p>
Nondiscretionary Use N-Discretionary Use	<p>1.4. Nondiscretionary 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)]</p>
	<p>Nondiscretionary Non-discretionary 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.</p>
Discretionary Use	<p>2.5. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.</p>
Limitations Request for Leave	<p>In deciding whether to approve or deny a 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 <u>duration of the requested absence in conjunction with the</u> effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.</p>
Duration of Leave	<p>Discretionary use of <u>state personal</u> leave shall not exceed three consecutive workdays.</p>
Prohibited Days	<p>Discretionary use of state personal leave shall not be approved for campus instructional personnel when the absence would affect:</p> <ol style="list-style-type: none">1. The last working day before a school holiday;2. The first working day after a school holiday;3. The first or last day of school;4. A staff development day, a teacher work day, or an early release day;

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	<p>5.— A day scheduled for end of course or end of year semester exams; or</p> <p>6.— Any day the campus is affected by state mandated assessments or District required tests.</p> <p>After a request for discretionary use of state personal leave on one of these days has been denied, absence shall result in a deduction from the employee's pay at the employee's daily rate. The employee shall not be permitted to use any other available paid leave to compensate.</p>
Request for Documentation	<p>If an employee is absent because of personal illness or illness in the immediate family on a day for which discretionary use of personal leave is prohibited, the employee may be required to submit medical certification of the need for leave.</p>
Local Leave	<p>EachAll full-time employeeemployees shall earn five, six, or seven paid local leave days per school year in accordance with administrative regulations and the following schedule:</p> <p>1.— Five local leave days for employees in positions that normally require up to 210 calendar days of service per year.</p> <p>2.— Six local leave days for employees in positions that normally require between 221 and 226 calendar days of service per year.</p> <p>3.1. Seven local leave days for employees in positions that normally require 260 or more days of service per year.</p> <p>Local leave shall accumulate to a maximum of 120 leave days.</p> <p>Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]</p> <p>When an employee separates from employment with the District, all unused local <u>leave</u> shall be forfeited. The District shall make an exception if the employee returns to District employment without a break in service, based on the work calendar for the employee's position.</p>
Sick Leave Bank	<p>The District shall establish a sick leave bank that employees may join through an annual contribution of one local leave day.</p> <p>Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or</p>

injury and the employee has exhausted all paid leave and any applicable compensatory time.

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

The Superintendent ~~or designee~~ 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. ~~All decisions~~ regarding the sick leave bank ~~may be appealed~~ in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator ~~designee~~.

Peace Officers
Mental Health
Leave

A District peace officer who experiences a traumatic event in the scope of employment shall be granted a maximum of three ~~ten~~ days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Superintendent shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which a peace officer may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requestor;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

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<u>Quarantine Leave</u>	<p><u>A District peace officer shall be granted quarantine leave when ordered by the local health authority or the peace officer's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.</u></p> <p><u>The Superintendent shall develop regulations regarding quarantine leave that address the following:</u></p> <ol style="list-style-type: none"><u>1. Continuation of all employment benefits and compensation for the duration of the leave;</u><u>2. Reimbursement for reasonable costs related to the quarantine; and</u><u>3. Other procedures deemed necessary for administering this provision.</u>
Family and Medical Leave	<p><u>FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.</u></p> <hr/> <p><u>Note: See DECA(LEGAL) for provisions addressing FMLA.</u></p> <hr/>
Twelve-Month Period	<p>For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.</p>
Combined Leave for Spouses	<p><u>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. {See DECA(LEGAL)}</u></p>
Intermittent or Reduced-Schedule Leave	<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>
Certification of Leave	<p><u>When# an employee requests leave, the employee shall provide certification, in accordance with as required by FMLA regulations, of the need for leave. {See DECA(LEGAL)}</u></p>
Fitness-for-Duty Certification	<p><u>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-</u></p>

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	<p>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>Leave at the End of Semester</p>	<p>When 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 reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]</p>
<p>Temporary Disability Leave</p>	<p>Any full-time employee 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> <p>The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.</p>
<p>Workers' Compensation</p>	<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>
<p>No Paid Leave Offset</p>	<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>The District shall not permit the option An employee eligible for paid leave offset in conjunction with workers' compensation income benefits. [See CRE], and not on assault leave, may elect in writing to use paid leave.</p>
<p>Court Appearances</p>	<p>Absences due to compliance with a valid subpoena, other court appearances unrelated to an employee's personal business, or absences for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.</p>

Payment Reimbursement for Accumulated Leave Upon Retirement

The following leave provisions shall apply to local leave ~~accumulated~~ ~~earned~~ beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for ~~payment~~ ~~reimbursement~~ for accumulated local leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to retire. Contract employees must provide written notice at least 90 days before the last day of employment. ~~Noncontract~~ ~~Non-contract~~ employees must provide written notice at least two weeks before the last day of employment.
3. The employee has at least ten years of service with the District.

The employee shall ~~receive payment~~ ~~be reimbursed~~ for each day of accumulated ~~unused~~ local leave, to a maximum of \$5,000, at one-half of the employee's daily rate of pay, ~~to a maximum of \$5,000, at a rate established by the Board~~. 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.

Expiration of Available Leave and Attendance

After an employee has exhausted all paid and unpaid approved leave for which the employee is eligible and that runs concurrently, the District shall provide written notice to the employee at the last known address that the employee's leave has expired. At that time, the employee shall be informed of Board policy governing other leave options.

Within 15 days, an employee must either apply for any other leave for which he or she is eligible or notify the District in writing that he or she is ready, willing, and able to return to work. A notice of the latter shall be accompanied by medical clearance indicating that the employee is able to perform essential functions of his or her position, given reasonable accommodations, if necessary.

A contract employee who does not apply for and receive approval for additional leave, or who does not report and document his or her availability and fitness to return to work within the time frame

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set forth above, shall resign or be deemed to be in repeated and continued neglect of duties and shall be subject to termination.

An at-will employee who does not apply for and receive approval for additional leave, or who does not report and document his or her availability and fitness to return to work within the time frame set forth above, shall be deemed to have resigned from District employment effective upon the expiration of the 15-day period.

[The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act \[see DAA\(LEGAL\)\], shall be considered before termination.](#) At the expiration of available paid leave or approved unpaid leave, the District shall offer COBRA benefits, as required by law.