

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.~~

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

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 Leave
Proration**

If an employee separates from employment with the District before their last duty day of the school year or begins employment after the first duty day of the school year, ~~state-all~~ personal 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-any~~ personal leave the employee used beyond their 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 three consecutive work-days 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
and Local Leave**

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

**Nondiscretionary
Use**

~~Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave. [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.~~

Discretionary Use

~~Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.~~

**Request for
Leave**

~~In deciding whether to approve or deny a request for discretionary use of state personal leave and/or local leave, the supervisor shall~~

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

~~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.~~

~~Discretionary use of state personal leave and/or local leave shall not exceed two consecutive workdays.~~

~~Schedule
Limitations~~

~~Discretionary use of leave shall not be permitted during or on:~~

- ~~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; or~~
- ~~5. Professional or staff development days.~~

State 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)]

Local Leave

Each employee shall earn five, six, or seven paid local leave days per school year based on months of service and in accordance with administrative regulations.

Local leave shall be used for personal illness, illness of an immediate family member, death in the immediate family, or family emergency. Up to three days of paid leave per year may be used for personal business.

An employee may contribute local leave to the Supplemental Sick Leave Bank in accordance with this policy.

Local leave shall accumulate without limit.

Use of Leave

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

Nondiscretionary
Use

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave. [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.

Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Request for Leave

In deciding whether to approve or deny a request for discretionary use of state personal leave and/or local 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.

Discretionary use of state personal leave and/or local leave shall not exceed two consecutive workdays.

Medical Certification

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

1. The employee is absent three or more 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)]

Funeral
Bereavement Leave

Each full-time, benefits-eligible employee ~~who is eligible for the comprehensive leave program~~ shall be granted three days of bereavement leave, per occurrence, upon the death of a spouse, ~~child~~, parent, current parent-in-law, child, sibling, grandparent, grandchild, or any other person residing in the employee's home at the time of death. Such leave shall be taken with no loss of pay or other paid leave.

Additional days in excess of the three days, or leave for other ~~funerals~~ circumstances not covered by this provision, shall be deducted from the employee's accrued leave.

For benefits-eligible, hourly employees, the hours granted for each day of bereavement leave will be based on the employee's planned working time. ~~A regular hourly employee shall not be eligible for funeral leave and may use accrued leave for a death in the employee's immediate family.~~

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Peace Officers

Quarantine Leave

Notwithstanding the above, a District peace officer shall be granted 5 days of quarantine leave when ordered by the local health authority or supervisor to quarantine or isolate due to possible known exposure to a communicable disease while on duty.

Mental Health Leave

A District peace officer or a full-time licensed telecommunicator (e.g., a police dispatcher) who experiences a traumatic event in the scope of employment will be granted a maximum of five days of mental health leave per traumatic event. The amount of leave time necessary is determined by the chief of police or designee.

Extended Leave for Illness or Injury

For a District peace officer who experiences an illness or injury related to their line of duty and who, following the required leave of absence with full pay for a period commensurate with the nature of the illness or injury as required by law, is unable to return to work, the District shall extend the leave of absence, not to exceed two years, with no loss of pay.

Supplemental Sick Leave Bank (SSLB)

The District shall establish a Supplemental Sick Leave Bank that employees may join through contribution of local leave.

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 experiences a catastrophic illness or injury and has exhausted all paid leave and any applicable compensatory time.

Note: For implementation procedures for the SSLB, see DEC9(REGULATION).

~~Implementation procedures for the SSLB shall be published in the Finance Procedures Manual.~~

Professional Business

~~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 their own expense, upon approval of the immediate supervisor and department head.~~

~~Procedures for authorization and reimbursement for a professional trip are outlined in the Finance Procedures Manual.~~

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

~~Board Meeting/
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, they 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 DCBA(LOCAL) and appropriate regulations]~~

Unpaid Leave

Political Leave

Upon application, an employee shall be granted an unpaid leave of absence not to exceed four years, 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 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 the Teacher Retirement System of Texas (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.

**Family and Medical
Leave**

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

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

Twelve-Month
Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.

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 18 weeks.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

| | |
|--|---|
| Intermittent or Reduced Schedule Leave | The District shall permit use of intermittent or reduced schedule FMLA leave for the <u>employee's own serious health condition or for the care of a family member with a serious health condition. The District shall not permit use of intermittent or reduced schedule FMLA leave for the</u> 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. |
| Temporary Disability Leave | 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.] |
| Certified Employees | |
| All Other Employees | All other employees 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.] Re-instatement to regular employment shall be on a position available basis only. |
| Notification | An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent, <u>or designee</u> , as a request for temporary disability leave. |
| Concurrent Use of Paid Leave | The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave. |
| Workers' Compensation | <hr/> 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. <hr/> 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. |

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

| | |
|---|---|
| Paid Leave Offset | The District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. |
| <u>Professional Business</u> | <p><u>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 their own expense, upon approval of the immediate supervisor and department head.</u></p> <p><u>Procedures for authorization and reimbursement for a professional trip are outlined in the <i>Finance Procedures Manual</i>.</u></p> |
| <u>Board Meeting / Professional Consultation</u> | <p><u>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.</u></p> |
| <u>Employment Dispute Resolution Meetings</u> | <p><u>When it is necessary for any party of interest to attend an employment dispute resolution meeting, they 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]</u></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> <p>Absences for court appearances related to an employee's personal business shall be deducted from the employee's accrued leave or, at the employee's option, be taken as leave without pay.</p> |
| Payment for Unused Leave | 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 they: |
| The 1972 Plan | <ol style="list-style-type: none">1. Have been continuously employed by the District since initial employment; and2. Have become eligible for retirement in accordance with the provisions of TRS. <p>An employee who meets all criteria shall receive payment for the unused portion of any accumulated, unused paid leave at their current daily rate of pay, not to exceed one-half of the contract year or</p> |

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

the number of days available as of August 31, 1986, whichever is less.

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 leave if they:

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