

GCCA LICENSED STAFF LEAVES AND ABSENCES

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BOARD POLICY

The Board of Trustees provides leaves of absence for licensed employees for reasons as listed herein. The Board authorizes the superintendent to establish procedures consistent with state and federal law and this policy.

1. SICK LEAVE

1.1. Each licensed employee, at the beginning of each school year, will be credited with ten days sick leave allowance for absences caused by illness or physical disability of the employee during that school year. Any unused portion of annual sick leave will be carried over to the next school year if the employee remains employed in the District. In the event any public school licensed employee transfers from the TPSD to another district in Mississippi, any unused portion of the total sick leave allowance credited to such licensed employee or teacher assistant shall be credited to such licensed employee or teacher assistant in the computation of unused leave for retirement purposes. Accumulation of sick leave will be unlimited. No deduction from pay will occur as a result of absences caused by illness or physical disability until all leave allowance has been used. For the first ten days of absence because of illness or physical disability in excess of the sick leave allowance of the employee, the District rate of pay for a substitute will be deducted from the pay. Thereafter, the regular daily rate of pay will be deducted.

1.2. Situations for which sick leave may be granted are as follows:

1.2.1. A Family Medical Leave Act qualifying event or an actual period of temporary disability caused by a personal illness, injury, or other temporary disability, that prevents an employee from performing his or her usual duties.

1.2.2. An illness in the employee's immediate family that necessitates the employee's attendance; immediate family is defined as spouse, parent, stepparent, sibling, child or stepchild. Verification may be required.

1.2.3. Medical or dental appointments.

1.2.4. Due to each death in the immediate family, an employee may use up to three (3) days of sick leave with full pay as bereavement leave. For purpose of this section only, immediate family is defined as spouse, parent, parent-in-law, stepparent, sibling, brother-in-law, sister-in-law, child or stepchild.

1.3. Should an employee's absence extend for more than three (3) consecutive workdays, or for two (2) consecutive school days immediately preceding or following a nonschool day, the employee must submit to his or her immediate supervisor Human Resources on or before the fourth day, a certificate from a

licensed physician or dentist as to the illness. The employee will be processed for FMLA if a qualifying event exists. The District reserves the right for the Human Resources Director to request a doctor's statement of verification of illness at any time regardless of the length of absence, including an absence of one day.

~~Sick leave charges are as follows:~~

1.4. The minimum sick leave that may be taken is one-half of one day in any given workday. Only sick days taken on actual workdays shall be charged in calculating the number of sick leave days taken.

1.5. The TPSD workers' compensation policy allows employees who sustain job-related injuries to use paid sick leave to make up the difference between their normal wage and the amount they are receiving under the workers' compensation award when the workers' compensation injury lasts four or less days. When the workers' compensation leave lasts five or more consecutive days and qualifies for FMLA, an employee may only utilize sick time if both the District and employee agree in writing to allow for its usage. Additionally, during absences where disability benefits are being paid, an employee may only utilize sick time if both the District and employer agree in writing to allow for its usage.

1.6. Upon termination of employment, unused sick leave for which the employee is entitled to full pay will be counted as creditable service for purposes of the retirement system to the extent provided in Section 25-11-103 of the Mississippi Code and the policies of the Public Employees' Retirement System.

2. PERSONAL LEAVE

2.1. Each licensed employee employed for less than twelve months will be credited with two (2) personal leave days with pay at the beginning of each school year.

2.2. Personal leave shall not be taken on the first or last day of the school term, or on a day immediately prior to or following a school holiday, unless on such days an immediate family member of the employee is being deployed for military service. All personal leave will be subject to the prior approval of the immediate supervisor. A suitable substitute shall be scheduled prior to the approval of a personal leave request. It is the intent of the Board that not more than ten percent of the licensed employees of a school be granted personal leave on the same date.

2.4. Any unused portion of the total personal leave allowance up to five (5) days shall be carried over to the next school year and credited to such licensed employee if the licensed employee remains with the District. Unused personal leave in excess of five (5) days will accumulate as sick leave.

2.5. After the exhaustion of their two personal days with pay, first year licensed employees may be granted up to an additional three (3) days of personal leave under the condition that the District rate of pay for a substitute will be deducted

from the pay of the absent employee. Similarly, second year employees will have one additional day of personal leave available to them under the same condition.

2.6. When an employee is receiving workers' compensation or disability benefits, the employee will only be able to utilize personal days when both the employee and District agree in writing. . ~~Thereafter, the regular daily rate of the absent employee will be deducted.~~

3. PROFESSIONAL DEVELOPMENT LEAVE

The immediate supervisor of each licensed employee may approve a maximum of five days per school year for professional development purposes related to the mission of the District. Any exceptions to the professional development leave allowance will require the prior written approval of the superintendent or designee.

4. EDUCATIONAL LEAVE

After employment by the District for a period of two (2) continuous years, a licensed employee may receive a leave of absence for educational purposes. A request for a **such** leave of absence must be submitted in writing by the employee explaining the reason for the leave. A leave of absence must be approved by the Board and may be granted for the remainder of a semester and may be extended upon request for an additional semester of the same school year. The leave of absence may not extend beyond the expiration date of the contract of the employee. **All educational leave will be unpaid unless otherwise specified.**

5. LEGAL LEAVE

When a licensed employee is subpoenaed to testify in court in a case in which the employee is not a party or is summoned to serve on a jury, the employee will be granted leave upon verification of the summons or subpoena by the immediate supervisor. During such absence, the ~~certified~~ employee will be entitled to receive a regular rate of pay and fringe benefits normally received. Legal leave will not be granted in cases in which the employee is in litigation against the District.

6. MILITARY LEAVE

Licensed employees who are members of a reserve component and who are required to attend military training while under contract to the District are entitled to full salary for up to fifteen days while on military leave. The fifteen days of military leave is a separate period from the employee's regular leave, and may not be deducted as personal or sick leave.

7. EXHAUSTION OF LEAVE

Following the exhaustion of leave taken by a licensed employee, the employee must return to work. If the employee does not return to work within ~~30~~ **3 work** days following the exhaustion of leave, his/her employment may be terminated. However, the employee may petition the Board of Trustees to extend the period of unpaid leave, and if exceptional circumstances are found to exist, the leave may be extended.

8. FALSE STATEMENTS

Any materially false statement by the employee as to the cause of absence may result in full deduction from salary for days absent or entry on the work record or other appropriate penalty deemed justified by the Board.

ADMINISTRATIVE PROCEDURE

1. Definitions

1.1. "Licensed employee" means any employee of the District required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.

1.2. "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the state for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.

1.3. "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild.

2. Each licensed employee shall be credited with a professional leave allowance, with pay, for each day of absence caused by reason of such employee's statutorily required membership and attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television, the meetings of the state textbook rating committees or other meetings authorized by Board policy.

3. Upon retirement from employment, each licensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the District. Such payment for licensed employees shall be made by the District at a rate equal to the amount paid to substitute teachers. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in Section 25-11-103(e). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

4. Accumulated or future sick leave may be forfeited, if the absence of the employee is caused by optional dental or medical treatment or surgery which could, without medical risk, have been provided, furnished or performed at a time when school was not in session.

5. Employees may accumulate increments of one hour up to four times before being charged with one-half day leave.

6. Donation of Leave

An employee may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the District or another school district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

6.1. The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated, and shall notify the Human Resources office in writing of his or her designation.

6.2. The maximum amount of unused accumulated personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than seven (7) days of personal leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.

6.3. A recipient employee must have exhausted all of his or her accumulated personal leave and sick leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for donated leave shall be based upon review and approval by the recipient employee's supervisor.

6.4. Before an employee may receive donated leave, he or she must provide Human Resources with a physician's statement that states the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.

6.5. If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

6.6. Donated leave shall not be used in lieu of disability retirement.

6.7. **Once leave has been donated and used by the recipient, it** ~~considering donation of leave shall understand that the leave cannot be reacquired for use by the donor. after it has been donated and used by the recipient;~~ **Note: An employee** ~~that~~ **Further,** donation of leave might affect retirement benefits in regard to carry-over leave **and may have tax consequences.**

~~and that the leave is not available in case he/she needs it later.~~

EXHIBITS

GCCA 1.0910 Donation of Leave form ask Jim if there are others.

REFERENCES

MCA §37-7-307

FORMS

RESCINDS

GCCA 08/11/2009; GCCA-E Issued 5/24/2005