



Book	Policy Manual
Section	To Review 3/5/26
Title	Copy of LEAVES OF ABSENCE
Code	po4430
Status	
Adopted	May 22, 2019
Last Revised	May 12, 2025

4430 - LEAVES OF ABSENCE

All support staff members not otherwise covered by the terms of a negotiated, collectively-bargained agreement of this District shall be entitled to leave benefits which are not less than those **required in the provisions of the Earned Sick Time Act** provided in the master agreement with the Bridgman Public Schools.

~~All requests for unpaid leaves of absence by support staff members shall be presented to the Board of Education for approval.~~

Any support member granted a leave of absence by the Board shall be considered to have terminated all work with the School District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the District might be served.

Earned Sick Time Act (ESTA)

This policy provision applies to all District employees who are eligible to accrue earned sick time under the Earned Sick Time Act ("ESTA"). "Paid Leave" includes, but is not limited to, paid vacation days, paid personal days, and paid time off (i.e., PTO).

The District adopts:

The Frontload Method

The District will frontload seventy-two (72) hours of earned sick time to eligible employees on February 21, 2025, which will be prorated for the first year if the benefit year tracks the calendar year. Eligible employees may carry over accrued but unused earned sick time to the next benefit year. In subsequent benefit years, the District will provide an eligible employee with seventy-two (72) hours of earned sick time on July 1, 2025.

A benefit year is the consecutive twelve (12) month period indicated above used by the District to calculate an eligible employee's benefits.

An employee may use earned sick time under the ESTA for:

- A. An employee's or employee's family member's mental or physical illness, injury, health condition and medical diagnosis, care, treatment, or preventative medical care.
- B. If the employee or the eligible employee's family member is a victim of domestic violence or sexual assault:

1. for medical, psychological, or other counseling for physical or psychological injury or disability;
 2. to obtain services from a victim services organization;
 3. to relocate due to domestic violence or sexual assault;
 4. to obtain legal services; and/or
 5. to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- C. For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child.
- D. Closure of the employee's primary workplace due to a public health emergency or to provide care for a child whose school or place of care has been closed due to a public health emergency.
- E. If health authorities or a health care provider have determined that the employee or employee's family member would jeopardize the health of others because of their exposure to a communicable disease, regardless of whether the employee or family member has actually contracted the communicable disease.

An employer shall not require an employee to search for or secure a replacement worker as a condition for using earned sick time.

Definitions

A "family member" includes:

- A. a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis;
- B. a biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or the employee's spouse or domestic partner, or an individual who stood in loco parentis when the employee was a minor child;
- C. an individual to whom the employee is "legally married under the laws of any state";
- D. a grandparent or grandchild;
- E. a biological, foster, or adopted sibling; and
- F. any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

A "domestic partner" means an adult in a committed relationship with another adult, including both same-sex and different-sex relationships.

A "committed relationship" means one in which the employee and another individual share responsibility for a significant measure of each other's common welfare, such as any relationship between individuals of the same or different sex that is granted legal recognition by a state, political subdivision, or the District of Columbia as a marriage or analogous relationship including, but not limited to, a civil union.

ESTA leave must be used in minute increment(s).

If the need for earned sick time is foreseeable, an employer may require advance notice of the intent to use it, provided the notice period does not exceed seven (7) days before the leave begins.

If the need for earned sick time is not foreseeable, an employer may require the employee to provide notice of their intent to use it as soon as practicable. What is considered practicable depends on the specific facts and circumstances of each situation, and both parties should approach this requirement reasonably. For consistency, a similar standard would apply under ESTA. When taking leave under ESTA, employees must provide enough information for the employer to assess whether they qualify under ESTA's eligible uses. If the employer is uncertain, they may request additional details about the nature of the leave to determine its eligibility.

For earned sick leave exceeding three consecutive days, an employer may require reasonable documentation confirming that the leave was used for a permissible purpose. The employee must provide this documentation promptly upon request pursuant to the following guidelines:

- A. Employer-required documentation should not include details about the illness or specifics of the violence.
- B. If documentation is required, the employer must cover any out-of-pocket costs the employee incurs to obtain it.
- C. An employer cannot delay the start of the leave due to a failure to receive documentation.

Employees will be paid at a rate equal to the greater of either the normal hourly or base wage rate for that employee or the minimum wage rate, at the time of absence. ESTA pay will not include overtime pay, holiday pay, bonuses, commissions, supplemental pay, piece-rate pay, or gratuities. For any employee whose hourly rate varies depending on work performed, the "normal hourly wage" means the average hourly wage of an employee in the pay period immediately prior to the pay period in which the employee used paid earned sick time.

Employee may be paid for unused, accrued, current year ESTA leave time at the end of the benefit year..

To the extent that any current collective bargaining agreements already provide all of the requirements of the ESTA, those are sufficient to address the District's obligations to that set of employees and will control the employees covered under the collective bargaining agreement instead of this policy.

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