

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS FAMILY	<p>For the purposes of state sick leave accrued before May 30, 1995, and local sick leave, the term "immediate family" shall include:</p> <ol style="list-style-type: none">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 <i>in loco parentis</i>.3. Parent, stepparent, parent-in-law, or other individual who stands <i>in loco parentis</i> to the employee.4. Sibling, stepsibling, sibling-in-law.5. Grandparent and grandchild.6. Any person who may be residing in the employee's household at the time of illness or death. <p>For purposes of the Family and Medical Leave Act, the definition of "family" includes only spouse, parent, and child.</p>
FAMILY EMERGENCY	<p>The term "family emergency" shall be limited to natural disasters and life-threatening situations involving the employee or a member of the employee's immediate family.</p>
WORKDAY	<p>A "workday" for purposes of accumulation, use, or recording shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.</p>
STATE PERSONAL LEAVE — RATE OF ACCRUAL	<p>Each employee shall earn state personal leave at the rate of one-half workday for each 18 workdays of employment, up to the statutory maximum of five workdays annually.</p>
TYPES OF STATE PERSONAL LEAVE	<p>The Board requires employees to differentiate between uses of personal leave:</p>
DISCRETIONARY	<ol style="list-style-type: none">1. To be taken at the individual employee's discretion, subject to limitations set out below.
NON- DISCRETIONARY	<ol style="list-style-type: none">2. To be used for the same reasons and in the same manner as state sick leave accumulated prior to May 30, 1995. [See DEC(LEGAL)]
USE OF DISCRETIONARY LEAVE	<p>A written request for use of discretionary personal leave shall be submitted to the immediate supervisor or designee in advance in accordance with administrative regulations. The reasons for which personal leave may be used shall not be limited by the District. In deciding to approve personal leave, however, the supervisor or designee shall consider the effect of the employee's absence on the educational program, as well as the availability of substitutes. [See DEC(LEGAL)]</p>

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DURATION OF LEAVE	Discretionary personal leave may not be taken for more than two consecutive days, except in extenuating circumstances as determined by the Superintendent or designee.
SCHEDULE LIMITATIONS	<p>Discretionary leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for state-mandated tests, nor on professional or staff development days except in extenuating circumstances. Under such circumstances, a notice of request for discretionary personal leave shall be submitted to the immediate supervisor/principal two weeks in advance of the anticipated absence.</p> <p>Use of discretionary leave during the first and last two weeks of a school year shall require that a request be submitted two weeks in advance of the anticipated absence and that prior approval be received from the immediate supervisor/principal.</p>
LOCAL LEAVE	<p>All employees shall earn five workdays of local leave per school year, at the same rate as state leave.</p> <p>Local leave shall accumulate without limit and shall be taken with no loss of pay.</p> <p>Local leave shall be used under the terms and conditions applicable to state sick leave accumulated prior to the 1995–96 school year. [See DEC(LEGAL)]</p> <p>Local leave may also be used for first-year care following the birth or adoption of an employee's son or daughter or the placement of a child with the employee for foster care.</p>
SICK LEAVE BANK PURPOSE AND DEFINITION	The purpose of the Sick Leave Bank (Bank) is to provide additional paid sick leave days to members of the bank in the event of extended illness, surgery, or disability due to an injury when the member is unable to perform the duties of his or her position. Benefits are only for catastrophic personal illness or injury of the employee and are not for absences due to illness or injury of family members or others. Benefits for pre-existing conditions and pregnancy are outlined under GUIDELINES FOR BENEFITS.
DEFINITIONS BANK	The District Bank is defined as a pool of local sick leave days contributed voluntarily by eligible District personnel who enroll in the Bank.
CATASTROPHIC	For purposes of the Bank, catastrophic illness shall be defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces an employee to exhaust all leave time earned by that employee and to lose compensation from the District.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

MEMBERSHIP ELIGIBILITY	New employees become eligible on the October 1, following the date of employment or on the date sick leave accrual begins, whichever occurs later.
GOVERNING BOARD	The District shall elect a governing board for the Bank according to procedures outlined in administrative regulations. The governing board shall review each application for receipt of Bank days individually and determine the number of days to be approved, if any. Approval of the application and the number of days shall be by a simple majority of the voting members casting a vote. The governing board may grant up to 30 days in any one school year but no more than 60 days during the time a person is employed by the District.
SICK LEAVE BANK REGULATIONS	<p>The Bank year begins on September 1, and ends on August 31.</p> <p>Enrollment applications for membership in the Bank shall be sent to all employees at the beginning of each school year. Application for membership shall be made during the enrollment period at the beginning of each school year, prior to October 1. Annual enrollment applications shall not be accepted after the close of business on October 1.</p> <p>If a member uses any days from the Bank during a Bank year, he or she shall be required to become a member of the next year's Bank, making the required donation of one day.</p> <p>Eligible personnel shall complete an enrollment application to become a member of the Bank. An employee whose application for membership is rejected shall be notified within a reasonable amount of time. [See MEMBERSHIP ELIGIBILITY]</p>
CONTRIBUTION OF DAYS	<p>Upon acceptance of an employee's application, one local sick day shall be automatically subtracted from the employee's local sick leave balance. It becomes the permanent property of the Bank and shall not be returned, even in the event of termination, resignation, or cancellation of membership of the employee. Unused bank days carry over to the next banking year.</p> <p>If the Bank balance is greater than two times the number of returning members, a day shall not be subtracted from the local sick leave balances of those who have applied to continue their membership of the previous year, except for those who received benefit days during the previous Bank year.</p>

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

The decision of the "two-times rule" shall be made by the Board within ten working days after the annual enrollment period ends. The calculation shall be made as follows:

- + Bank balance on September 1
- Benefits not deducted on applications made by August 31
- + Members who received benefits last term
- + New bank members (counted September 30)

Number used to determine activation of "two-times rule"

WITHDRAWAL
OF DAYS

Benefit days shall be retroactive to the first day of eligible absence once all criteria are met.

GUIDELINES FOR
BENEFITS

Only Bank members in good standing shall be eligible to withdraw days.

Days shall be granted only after the member has exhausted all accumulated state and local sick and personal leave, including paid vacation days.

The maximum number of days granted to an employee during any one Bank year shall be 30. The maximum lifetime benefit shall be 60 days.

Requests for Bank days for mental illness shall be limited to a lifetime total of ten days.

First year Bank members are only eligible for a single draw with a maximum of ten days. However, employees with at least one year of local service who join the Bank during the enrollment period shall not be limited to ten days.

In order to begin drawing from the Bank, the employee shall wait five consecutive workdays after all other forms of eligible District compensation and/or leave to which they are entitled have been exhausted. The five-day waiting period shall apply each time a member requests days from the Bank.

Benefit days shall be retroactive to the first day of eligible absence, once all criteria are met.

A member may apply for Bank days for planned absences such as surgery or hospitalization in advance if it is anticipated that the absence shall exceed available leave and cause loss of pay.

A member who has not used the maximum yearly or lifetime benefit, may apply for days for any absence that meets all regulations governing the withdrawal of days from the Bank. A doctor's state-

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

ment shall be attached to the Request for Sick Bank Days form before any Bank days may be withdrawn. The doctor's statement shall include the nature of the member's illness and the anticipated total number of days of absence.

The Bank's governing board reserves the right to request a second doctor's opinion at any time. Payment of expenses for the second doctor's opinion shall be the employee's responsibility. The governing board's authorization for utilization of Bank days subsequent to the date of request for a second doctor's opinion shall be deferred pending receipt of the second doctor's opinion.

Illness or injury that occurs during the enrollment period shall automatically be covered for individuals who were members during the previous Bank year, provided they have not used all of their lifetime benefits from the Bank. Any benefits used during the enrollment period shall be subtracted from the individual's balance in the Bank year covered by the enrollment period.

Individuals who become ill or injured during the enrollment period and were not members during the previous Bank year shall not normally have any benefits. If the governing board determines, however, that the individual through no fault of his or her own had not completed the application, then the board may decide to accept the membership retroactively to cover the absences to the beginning of the enrollment period only. This rule could apply in circumstances such as the failure of the District or administrator to distribute the applications, or failure to distribute an application to an employee due to multiple campus assignments.

A member shall usually be absent for ten consecutive workdays before any benefit shall be granted. The governing board may grant an exception to this rule in the event of on-going, intermittent therapy related to an earlier therapy or dialysis. The pre-existing restriction below shall apply.

Absences caused by conditions existing at the time of application for Bank membership shall not usually be covered. However, upon approval of the governing board, members who present physician verification that the condition was not active or was under control at the time of application for membership may have absences related to that condition approved for benefits. (See PRE-EXISTING CONDITIONS)

No benefit days shall be granted unless actual absence from normal duty occurs; that is, no days for holidays, vacations, or other nonduty days shall be granted.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Absences due to elective procedures or any procedures or absences that could be scheduled at a time more compatible with the member's work responsibilities without detriment to his or her health shall not be covered.

Absences related to pregnancy or childbirth shall not be covered by Bank benefits unless complications related to the pregnancy arise.

PRE-EXISTING
CONDITIONS

Generally, a pre-existing condition shall not be covered, but complications of that condition that represent a significant change may be covered. If the condition itself changes significantly from that at the time of enrollment in the Bank, then the application may be approved. The goal of the Bank is not to exclude members who have pre-existing conditions, but to provide its members with benefits for those unexpected events and illnesses.

1. Example 1:

- a. A member with previously diagnosed diabetes is hospitalized to evaluate and establish better control of his or her condition. This would not be covered.
- b. A member with previously diagnosed diabetes is hospitalized with complication of his or her diabetes, e.g., circulatory impairment to extremities, kidney failure, retinal detachment. These would be covered.

2. Example 2:

- a. A member with previously diagnosed heart disease is advised to have bypass surgery. This has been recommended in the past, but the member decided against the surgery. This would not usually be covered unless the member could demonstrate that the decision was made due to a significant change in his or her health.
- b. A member with previously diagnosed heart disease has a heart attack. This is a new complication of an existing problem and would be covered.

3. Example 3:

- a. A member with previously diagnosed cancer was told that the cancer would recur. This would not be covered unless the cancer was considered inactive at the time of enrollment as demonstrated by the general health of the member or by a statement of the physician.
- b. A member with previously diagnosed cancer was told that the cancer had been removed, but it did recur. This would be a covered condition.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

NOTIFICATION AND
APPEALS

A member shall be notified within five working days of the decision of the governing board. The member shall have ten working days from the date the decision was issued to appeal any decision to that board. All appeals shall be in writing and submitted to the personnel office. Supporting documentation shall be included. The personnel office shall then notify the governing board members of the appeal, and a meeting shall be called to review the original application and any new information and documents.

A member has the right to appear before the governing board to present his or her case. The governing board may make a written request through the personnel office that the member appear to substantiate his or her claim.

All decisions of the governing board shall be final if there is no appeal of the initial decision within the allotted ten-day period. The actual rehearing shall not be held until all requested documents or statements are received by the governing board. Second appeals shall not be granted. [See DGBA(LOCAL) for appeals to the Board of Trustees]

USE AND
RECORDING

Available leave shall be used in any order chosen by the employee, as applicable.

Employees shall be charged leave as used even if a substitute is not employed.

Leave used shall be recorded in increments of half days.

Any leave taken for which leave balances are insufficient shall result in a deduction from the employee's paycheck commensurate with the amount of leave taken.

AVAILABILITY

Paid leave for the current year shall be available for use at the beginning of the school year. Paid leave shall not be approved for more workdays than have been accumulated in prior years plus those to be earned during the current year.

When an employee who has used more leave than he or she has accumulated ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.

MEDICAL
CERTIFICATION

An employee absent more than five consecutive workdays because of personal illness or illness in the immediate family shall submit a medical certification of illness.

Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. [See DEC(LEGAL)]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

TEMPORARY DISABILITY	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.
COURT APPEARANCES	Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.
BEREAVEMENT (FUNERAL) LEAVE	Use of state and/or local leave for death in the immediate family shall not exceed five workdays per occurrence. Under extenuating circumstances the District shall consider additional days.
FAMILY AND MEDICAL LEAVE	For purposes of an employee's entitlement to family and medical leave, the 12-month period shall be July 1 through June 30.
CONCURRENT USE OF LEAVE	The District shall require employees to use family and medical leave concurrently with paid leave and with temporary disability leave if applicable.
COMBINED USE OF LEAVE	If both spouses are employed by the District, combined family and medical leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks as determined by the needs of the District.
INTERMITTENT LEAVE FOR CHILD CARE	Use of intermittent family and medical leave shall be permitted for the care of a newborn child or upon the adoption or placement of a child with the employee.
CERTIFICATION OF ILLNESS	Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, the employee shall provide medical certification of the illness or disability.
MEDICAL RELEASE	The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.
TEACHER REINSTATEMENT	A teacher desiring to return to work at or near the conclusion of a semester shall be reinstated in accordance with the END-OF-TERM LEAVE section in DEC(LEGAL).
RESIGNATION	If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.
WORKERS' COMPENSATION	An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

PAID LEAVE
OFFSET

The employee shall inform the appropriate administrator whether he or she chooses to use available paid leave. Any paid leave used shall be offset against workers' compensation wage benefits. [See CRE(LEGAL)]

ANNUAL
ATTENDANCE
INCENTIVE

An annual attendance incentive shall be paid to eligible employees in the following categories:

ELIGIBILITY

1. Employees in positions normally requiring ten months of service.
2. Employees in positions normally requiring 11 months of service, except as noted below.
3. Employees in paraprofessional positions normally requiring 12 months of service.
4. Support service employees paid on a semi-monthly basis.

Employees in the following categories shall not be eligible for the annual attendance incentive:

1. Employees on pay schedule 28 and above who are paid on a monthly basis.
2. Substitute or temporary employees.
3. Employees who begin work after the first day of the annual calendar for their positions.

CRITERIA

Eligible employees must meet the following criteria to be paid an annual attendance incentive:

1. No state personal day or a portion of a day has been used during the annual calendar year for the employee's position.
2. No unpaid leave has been taken when the employee has unused state personal days.
3. All state personal days used were in conjunction with family and medical leave.

PAYMENT

Full-time eligible employees shall be paid \$300. For purposes of the annual attendance incentive, full time shall include:

1. Employees who are paid on a monthly basis and who work a minimum of 37.5 hours per week.
2. Child nutrition employees who are paid on a semi-monthly basis and who work at least six hours per day.

Part-time eligible employees shall be paid \$150.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

For eligible employees paid on a monthly basis and for child nutrition workers, payment shall be made following the completion of the days in the employee's scheduled work year. For employees paid on a semi-monthly basis, payment shall be made in September following the calendar year in which the incentive was earned.

FUNDING

Payment for this benefit shall be contingent upon the appropriation of funding for this purpose in the annual District budget. The District reserves the right to suspend or curtail this benefit on an annual basis.