

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS

The term "immediate family" is defined as:

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, use, 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.

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

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.

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.

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LEAVE PRORATION EMPLOYED FOR LESS THAN FULL YEAR	<p>If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.</p> <p>If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:</p> <ol style="list-style-type: none">1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and2. Local leave the employee used but had not earned as of the date of separation.
EMPLOYED FOR FULL YEAR	<p>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.</p>
RECORDING	<p>Leave shall be recorded as follows:</p> <ol style="list-style-type: none">1. For positions for which a substitute is normally required, leave shall be recorded in half-day increments, even if a substitute is not employed.2. For positions for which a substitute is not normally required, leave shall be recorded on an hourly basis.3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
ORDER OF USE	<p>Earned compensatory time shall be used before any available paid state and local leave. [See DEA]</p> <p>Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:</p> <ol style="list-style-type: none">1. Local leave.2. State sick leave accumulated before the 1995–96 school year.3. State personal leave.4. Extended leave, if applicable. <p>Use of extended sick leave and sick leave bank days shall be permitted only after all available state and local leave has been exhausted.</p>

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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 five consecutive workdays because of personal illness or absent more than three consecutive days because of 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;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

Upon returning to work, the employee shall provide medical certification of his or her fitness to return to duty.

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

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

STATE PERSONAL
LEAVE

The Board requires employees to differentiate the manner in which state personal leave is used:

NON-
DISCRETIONARY
USE

1. 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)]

DISCRETIONARY
USE

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

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LIMITATIONS	The employee shall 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 effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.
REQUEST FOR LEAVE	
DURATION OF LEAVE	Discretionary use of state personal leave shall not exceed three consecutive workdays.
SCHEDULE LIMITATIONS	Discretionary use of leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester examinations, days scheduled for state-mandated assessments, or professional or staff development days.
LOCAL LEAVE	<p>All employees shall be entitled to local sick leave equal to one leave day per month of employment minus those days under state leave. Local leave may be used for illness or disability, including pregnancy and childbirth, of the employee or for the illness or disability of a member of the employee's immediate family (as defined in the list above). For example, employees in positions normally requiring ten months of service per year shall earn five leave days of local sick leave.</p> <p>An employee in a position normally requiring 11 months of service per year shall earn six leave days of paid local leave per school year, concurrently with state personal leave, in accordance with administrative regulations.</p> <p>An employee in a position normally requiring 12 months of service per year shall earn seven leave days of paid local leave per school year, concurrently with state personal leave, in accordance with administrative regulations.</p> <p>Effective March 18, 2011, local leave shall accumulate to a maximum of 100 days. Once an employee accumulates 100 local leave days, only state days shall be earned by the employee. If the total number of local leave days falls below 100, the employee shall become eligible to earn local leave at the beginning of the next school year, not to exceed five days in one year. Any employee who currently has over 100 local leave days as of March 18, 2011, shall be permitted to maintain and use those days in accordance with this policy; however, accumulation of days shall still be to a maximum of 100 days, unless the total number of days falls below 100.</p>

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Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year, except that an employee may contribute local leave to a sick leave bank or donate local leave to the local leave donation program. [See DEC(LEGAL)]

EXTENDED SICK
LEAVE

After 180 days of employment and all available state and local leave days have been exhausted, a full-time employee shall be granted in a school year a maximum of 45 leave days of extended sick leave to be used only for the employee's own personal illness or injury, including pregnancy-related illness or injury.

The Superintendent may grant the first request for extended sick leave without a waiting period. Any subsequent requests shall be granted by the Superintendent after the employee has been absent for ten consecutive days.

A written request for extended sick leave must be accompanied by medical certification of the illness or injury.

For professional employees, the minimum pay for a long-term substitute teacher of \$75 shall be deducted for each day of extended sick leave taken, whether or not a substitute is employed. For employees other than professionals, an amount equal to one-half the individual employee's daily rate of pay not to exceed that rate established by the prevailing substitute pay schedule shall be deducted for each day of extended sick leave taken.

Employees who are not on FMLA leave, and who are absent for more than 30 days taken as local leave or extended sick leave, must submit a medical certification justifying the need for additional local leave every 30 days. The District may send an employee who is not on FMLA leave to a physician for a second medical opinion after the leave has exceeded 45 days in any school year. The District shall select the medical provider to provide the second medical opinion and shall pay for costs associated with the examination.

Failure to provide required certification as set forth in this policy may warrant the leave being denied and/or employment action including termination.

LOCAL LEAVE
DONATION

The local leave donation program shall be available to employees for personal illness as well as for illness of the employee's immediate family as defined by the FMLA.

Certified employees of the District shall be eligible for the local leave donation program. This leave benefit, under procedures developed by the Superintendent, allows certified employees who have accrued more than 15 days of local leave to transfer a desig-

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nated number of their local leave days to another certified employee who has exhausted all accrued leave and is authorized to receive the donation. The number of days donated shall not reduce the employee's local leave balance to fewer than 15 local days. The recipient of the days must be without any accrued leave for a minimum of 15 days prior to receiving donated days.

Donated days shall be used for the recipient one at a time as needed. Any sick leave days donated and not used by the receiving employee shall be removed from the receiving employee's leave upon his or her return to work.

Auxiliary employees of the District shall be eligible for the local leave donation program. This leave benefit, under procedures developed by the Superintendent, allows auxiliary employees who have accrued more than 15 days of local leave to transfer a designated number of their local leave days to another auxiliary employee who has exhausted all accrued leave and is authorized to receive the donation. The number of days donated shall not reduce the employee's local leave balance to less than 15 local days. The recipient of the days must be without any accrued leave for a minimum of 15 days prior to receiving donated days.

An employee may donate no more than 15 local sick leave days to any one employee and no more than 15 local sick leave days in any one year.

CATASTROPHIC SICK
LEAVE BANK

The catastrophic sick leave bank (CSLB) is a bank of local leave days established on a voluntary basis by full-time District employees to be used by any contributing member of the bank who suffers a catastrophic personal illness that extends beyond his or her accumulated sick leave.

The CSLB shall be administered by the employee benefit advisory committee representing all classifications of eligible employees. The committee shall have the responsibility of approving membership, receiving requests for the use of the bank, verifying the validity of requests, recommending approval or denial of the requests, and communicating its decision to the member and to the personnel department.

All full-time employees of the District may join the CSLB by contributing one day of local leave. Members should be aware of the disposition of accumulated days. All unused sick leave days in the bank on June 30 shall be carried over to the next school year. If the bank has a 500-day balance on June 30, the committee shall declare a dividend for all continuing members in the bank. For example, members from the last school year shall be granted mem-

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bership for the following school year without contribution of an additional local sick leave day.

Employment with the District shall be required for membership. New personnel and those wishing to rejoin the bank after the absence of a year or more may do so by contributing one day of local leave during the enrollment period. The enrollment period for the CSLB shall begin on the first working day of July and shall conclude with the end of the last working day of August. Membership applications must be returned no later than that date.

All applications for use of days from the bank shall be submitted within 30 workdays of diagnosis of illness or accident or within 30 workdays of the use of the employee's last sick day. Applications shall be submitted to the committee for action. ~~All decisions of the committee shall be final.~~ Rejected applications may not be resubmitted.

At no time may more days be granted by the committee than are actually in the bank or than were actually missed by the employee. Each application shall be limited to units of 25 leave days, with a per-year maximum of 100 days.

FAMILY AND MEDICAL
LEAVE

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.

TWELVE-MONTH
PERIOD

COMBINED LEAVE
FOR SPOUSES

If 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)]

INTERMITTENT OR
REDUCED
SCHEDULE LEAVE

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.]

CERTIFICATION OF
LEAVE

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

An employee must submit recertification for FMLA leave ~~after the minimum duration period has expired every 30 days.~~ If the employee suffers from a chronic or long-term condition under continuing supervision of a health-care provider, the District may require certification no more often than every 30 days, unless the circumstances described by the previous certification have changed sig-

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nificantly or the District received information that casts doubt upon the employee's reason for the absence.

The District may require a second certification (chosen and paid for by the employer). This second opinion shall not be obtained from a health-care provider who is employed on a regular basis by the District. If the second opinion differs from the original certification, the District may require that the employee obtain a third opinion. The third opinion shall be considered final and binding on the District and the employee.

FITNESS-FOR-DUTY
CERTIFICATION

If 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. 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.

END OF SEMESTER
LEAVE

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]

FAILURE TO
RETURN

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]

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.]

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.

WORKERS'
COMPENSATION

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.]

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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.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

COURT
APPEARANCES

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.

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, unless complying with a valid subpoena.

REIMBURSEMENT FOR
LEAVE UPON
SEPARATION

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

An employee who separates from employment with the District shall be eligible for reimbursement for state and local leave under the following conditions:

1. The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning and is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to separate from employment. Contract employees must provide written notice at least 90 days before the last day of employment. Non-contract employees must provide written notice at least two weeks before the last day of employment.

Effective March 18, 2011, at noon, upon retirement from the District, a professional employee with a minimum of ten years of service shall receive a pay-out benefit of \$100 per day for local leave days, to a maximum of 100 days. A professional employee, resigning after a minimum of ten years with the District, shall receive a pay-out benefit of \$50 per day for local leave days, to a maximum of 100 days.

Effective March 18, 2011, at noon, upon retirement from the District, an auxiliary employee with a minimum of ten years of service shall receive a pay-out benefit of \$50 per day for local leave days, to a maximum of 100 days. An auxiliary employee resigning after a minimum of ten years with the District shall receive a pay-out benefit of \$25 per day for local leave days, to a maximum of 100 days.