

DEFINITIONS

FAMILY

For the purposes of state personal, state sick, and local sick leave the term "immediate family" shall include:

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, 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.

FAMILY EMERGENCY

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.

USE OF LEAVE

Effective July 1, 2000, when an employee is absent because of illness, he or she shall be allowed to choose the type of leave to be deducted from the following:

1. Local sick leave
2. State sick leave (accrued prior to September, 1995)
3. State personal leave

STATE SICK LEAVE

Until May 30, 1995, an employee could earn a maximum of five days per year as state sick leave with no limit on the number of

days that could be accrued or transferred from one district to another. Effective May 31, 1995, state sick leave ceased to exist and was replaced by "state personal leave." State sick leave earned prior to May 30, 1995, shall remain intact.

STATE PERSONAL LEAVE A state minimum personal leave program, consisting of five days per year of personal leave with no limit on accumulation, shall be provided for District employees. Both state personal leave and state sick leave are transferable from one district to another district. The Board may adopt a policy governing an employee's use of personal leave.

STATE AND LOCAL LEAVE All regular full-time employees in scheduled positions shall earn leave for approved absences at the rate of one day per month for the number of months of duty on an annual basis according to his or her contract or condition of employment. This accrual rate includes state personal leave that is based on one-half day per month of employment to a maximum of five equivalent workdays per year.

The accumulation of state sick leave, state personal leave, and local sick leave shall be computed annually, based on continuous employment. Once an employee has amassed state and/or local leave equal to one-half of the total annual working days according to his or her contract or condition of employment, then local leave can no longer be accumulated. Previously earned state sick leave and state personal leave may be accumulated indefinitely.

Leave may be used as it accrues on a monthly basis; however, an advance may be allowed for the current year's leave. If there is a termination prior to earning the advanced leave, the final salary payment shall be adjusted to allow only the leave earned under this policy.

WORKDAY A "workday" for purposes of accumulation, use, or recording shall mean the number of hours per day associated with the employee's usual work assignment, whether full time or part-time.

STATE PERSONAL LEAVE FOR HOURLY EMPLOYEES LESS THAN 40 HOURS All hourly position employees not working a scheduled 40-hour week shall earn state leave for approved absences at the rate of one workday per 36 working days of employment, a maximum of five days per year.

USES OF LOCAL LEAVE According to conditions stated in this policy, local leave may be used for personal illness, illness or death in the family, and adoption of infants.

Employees shall be charged state personal leave, state sick leave, or local sick leave as used, even if a substitute is not employed. Sick leave shall not be approved for more workdays than have

been accumulated in prior years plus those earned during the current year.

With exceptions to the use of family medical leave noted elsewhere in this policy, sick days shall be recorded in whole workdays and half workdays only.

Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided. [See DMD(LOCAL)]

**MEDICAL
CERTIFICATION**

An employee absent five or more consecutive workdays because of personal illness (or because of illness in the immediate family) shall present, upon return to work, a medical certification of his or her fitness to return to work or a medical certification of the family member's illness.

**STATE PERSONAL
LEAVE**

In accordance with Education Code 22.003, employees shall be allowed to use state personal days (transferable among districts) for personal business reasons. Except for the illness of an employee, personal business leave shall not be taken on state-mandated test days, District-approved staff development days, during the first or last five school days of a semester, or the school day preceding or following a District, state, or national holiday. Pre-notification of taking leave for personal business reasons must be given to the supervisor/principal.

State personal leave accumulates without limit and may be transferred, as with state sick leave, from district to district. State sick leave accumulated prior to SB 1 is retained as sick leave and is to be used only for employee or family illness, emergency, or death. State sick leave earned before May 30, 1995, shall be carried as a separate leave balance and is not to be included with state personal leave days; however, state sick leave is no longer earned after May 30, 1995 (TEC 13.904). The District retains the option of whether to continue awarding local sick leave. Local sick leave is not transferable.

**FAMILY AND
MEDICAL LEAVE**

Twelve weeks of unpaid leave for the birth of a child, adoption or placement of a child, serious health condition of child, spouse, parent, or personal illness is provided if the employee has worked at least one year and provided a minimum of 1,250 hours of service to the District. FML can run concurrently with temporary disability or workers' compensation leave. Use of paid leave may be required.

**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

If both spouses are employed by the District, combined family and

LEAVE FOR SPOUSES

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.

SERIOUS HEALTH CONDITIONS

The following must be taken into consideration with respect to FMLA regulations:

1. Absence must involve a period of incapacity of more than three consecutive days.
2. Incapacity is the inability to work, attend school, or perform other regular daily activities because of a serious health condition, related treatment, or recovery. Subsequent treatment or incapacity relating to that same condition would also be included.
3. Chronic conditions can qualify as "serious health conditions," even when the individual episodes of incapacity are not more than three days in duration; for example, asthma and diabetes that may continue over an extended period, but do not necessarily require a visit to a health care provider.
4. The definition is expanded to address health conditions that are not ordinarily incapacitating, but for which treatments are being given because the conditions would likely result in an absence of more than three consecutive calendar days without medical intervention or treatment (i.e., chemotherapy or radiation treatment for cancer, dialysis for kidney disease, or physical therapy for severe arthritis, multiple treatments for restorative surgery after accident or injury).
5. The common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontic problems, and periodontal disease are not ordinarily serious health conditions. These conditions may become a serious health condition if complications arise.
6. Substance abuse may be a serious health condition, and leave can be taken only for treatment. Absence because of the employee's use of the substance, rather than for treatment does not apply.

HEALTH CARE

The term "health care provider" includes social workers and any

PROVIDER	health care provider recognized by the employer or accepted by the employer's health plan including any provider who practices in a country other than the United States and is authorized to practice in accordance with the laws of that country.
MEDICAL CERTIFICATION	An Equal Employment Opportunity Commission (EEOC) form may be obtained from the District's human resources department. The employer cannot have direct contact with an employee's health care provider or request additional information if an employee on or requesting FMLA leave submits a complete certification signed by a health care provider. A health care provider representing the employer can contact the employee's health care provider for purposes of clarification and authentication of the medical certification with the employee's permission. If the leave is also workers' compensation leave, then the provision of the workers' compensation statute that permits the employer to have direct contact with the health care provider may be followed.
ADOPTION OR FOSTER CARE	Employers are required to grant FMLA leave before actual placement or adoption if an absence is required for the process to proceed. Attending counseling sessions, appearing in court, consulting with an attorney or doctor, or for a physical exam are examples of this guideline.
NOTIFICATION AND RESPONSE TO REQUEST FOR FMLA LEAVE	<p>Within one or two business days of receiving a request for leave, the District shall provide timely notice of the employee's specific rights and obligations. This notice must be given on the first occasion that the employee requests FMLA leave in a six-month period and must be given in the language in which the employee is literate.</p> <p>The District must notify employees if paid leave will be counted as FMLA leave within two business days of receiving a request for leave. Notice can be oral or in writing. If oral notice of the requirement to use paid leave is given, then it must be followed by written confirmation no later than the following payday.</p> <p>Failure to respond to an employee's request for leave results in the employee not being accountable for complying with requirements for eligibility, advance notice, medication certification, fitness for duty reports, etc.</p>
LEAVE DESIGNATION	<p>Leave can be designated as FMLA after the employee returns to work only if one of two circumstances apply:</p> <ol style="list-style-type: none"> 1. If leave has provisionally been designated as FMLA while awaiting receipt of a medical certification or other reasonable documentation; or

2. If the District learns that the reason the employee was out was for an FMLA-qualifying event after he or she has returned to work. Designation as FMLA leave must be done within two business days. (NOTE: An employee cannot assert FMLA protection for absence, if notice has not been given within two business days of return to work.)

CONTINUATION
OF GROUP
HEALTH
BENEFITS

The District must provide the employee with written notice that payment of health insurance premiums was not received. Notice must be sent 15 days before dropping the employee from the group health coverage.

INTERMITTENT
LEAVE

Intermittent leave may include leave of periods from an hour or more to several weeks. Leave on an occasional basis for medical appointments, or taken several days at a time spread over a period of six months, such as for chemotherapy, pregnancy-related physical or prenatal exams, or period of severe morning sickness are examples.

The increment of leave taken has to be counted in a period of one hour or less, and the employee cannot be required to take more leave than necessary to address a need unless it is done under end-of-term exceptions. For example, an employee cannot be required to take FMLA leave in half-day increments if only one hour is required.

FMLA AND
WORKERS'
COMPENSATION

Workers' compensation absences and FMLA may run concurrently as long as a proper notice and designation by the District occurs.

An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.

WORKERS'
COMPENSATION

An employee eligible for workers' compensation wage benefits and not on assault leave shall indicate whether he or she chooses to:

1. Receive workers' compensation wage benefits; or
2. Use available paid leave. Workers' compensation wage benefits shall begin when:
 - a. Paid leave is exhausted; or
 - b. The employee elects to discontinue use of paid leave; or
 - c. Leave payments are less than the employee's pre-

injury average weekly wage.

An employee is not prevented from accepting a light-duty assignment while recovering from a serious health condition. Acceptance has to be voluntary, uncoerced, and cannot be a condition of employment. The employee's right to restoration to the same or equivalent position is available until 12 weeks have passed, including FML leave and the period of light duty. FML protection ends after 12 weeks, and any relief or protection would then fall under the workers' compensation statute or ADA.

The District can offer an employee a light-duty position when the health care provider certifies the employee is able to return to a light-duty assignment. The employee is permitted, but not required, to accept the position. Refusal of light duty may result in loss of workers' compensation benefits.

**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.

**BEREAVEMENT
(FUNERAL)
LEAVE**

Approved leave for death in the immediate family shall be for not more than five workdays for each occurrence, subject to the approval of the District.

An employee may use three days of local leave in case of death of a relative of second degree. A relative of second degree is defined as uncle, aunt, nephew, or first cousin. Any of the above relationships, where applicable, may be either consanguinity or affinity.

**ASSAULT
LEAVE
PAYMENTS**

While on District-approved assault leave to recuperate from physical injuries sustained in an assault during performance of regular duties, an employee shall continue to receive pay at the rate earned prior to the assault, and the employee shall not be charged accrued leave. Payments must be coordinated with workers' compensation benefits.

While on recuperative leave, as defined in the Texas Education Code, an employee shall endorse to the District any workers' compensation benefit he or she receives. The District shall

coordinate this benefit with regular salary.

**TEMPORARY
DISABILITY
LEAVE**

The maximum length of temporary disability leave for educators shall be 180 calendar days.

ANNUAL REPORT

At the end of each school year, an analytical report of the utilization of benefits provided for in this policy shall be made to the Board.

CIVIC LEAVE

Leave without loss of pay shall be granted to an employee to perform essential civic duties to include service as an election judge. Prior notice must be given to the supervisor/principal. Any compensation for this service shall be retained by the employee.

**COMPLIANCE
WITH SUBPOENA**

The District shall not discharge, discipline, or otherwise penalize an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administering proceeding.

**LEAVE TO
PERFORM PUBLIC
DUTY**

District employees are encouraged to participate in local governmental affairs. Accordingly, all regular full-time employees in scheduled positions and all hourly employees working a scheduled 40-hour week who hold an elected local public office shall be entitled to up to five days annually to perform the duties of said public office.

**SPECIAL LEAVE
FROM DUTY TO
ATTEND A
COLLEGE CLASS
FOR CLASSIFIED
STAFF**

An hourly staff member may be granted up to three working hours a week leave from duty to pursue college classes leading to teacher certification, subject to the following conditions:

1. The class to be attended is only offered during the workday.
2. Approval must be granted by both the supervisor and assistant superintendent on the appropriate form in DEC(EXHIBIT).
3. The employee must maintain a grade point average of 2.75 or more.
4. The employee shall not lose any benefits.
5. Approval shall be for only one class per semester.

SABBATICAL

Any District employee may be granted a leave of absence from assigned duty for professional study, subject to the following conditions:

1. For five years of service with the District, a one-year leave of absence may be granted.
2. Upon return, reinstatement shall be made of accrued sick leave benefits.
3. Reassignment, if available, shall be made to the same position held at the time leave is granted.
4. A second leave under this policy may be granted after an additional eight years of service.

SPECIAL LEAVE OF ABSENCE

Any District employee may be granted a one-year special leave of absence. Each request shall be considered on a case-by-case basis following application stating the nature of the leave and purposes for which leave is requested. If the request for leave is granted, it is subject to the conditions listed above for sabbatical leave.

By March 1 of the year of leave, the employee on leave must state in written form intentions to return to the system. Such statements must be sent by certified mail with a return receipt requested in order to prevent misunderstandings. Failure to do this shall result in forfeiture of the right of reemployment. Employees shall return to the position to which they were assigned at the time of the leave of absence, if a position is available. Otherwise, the employee shall be considered an "excess" employee with placement at another District location.

ADMINISTRATIVE LEAVE

The Superintendent may grant administrative leave with pay to any full-time employee who is employed under either a probationary, term, or continuing contract. Such leave may be for such reasons and shall be for such a period of time as is determined at the discretion of the Superintendent, but shall in no event exceed the remainder of any school year of the affected employee for which such leave is granted.

UNAUTHORIZED LEAVE

Payroll deductions for each day, or part of day, of unauthorized absence from duty shall be made according to the daily rate of pay.

An unauthorized absence shall be defined as an absence from the assigned duty not covered by DEC, DEC(LOCAL), DMD(LOCAL), or leave authorized by the administrator in charge.

UNPAID LEAVE

The District may fill any vacancy created by an employee's unpaid leave of absence by employing a temporary or permanent replacement, depending on the needs of the District and the

employee's medical prognosis. When the employee is not otherwise covered by the temporary disability leave provisions of Education Code 21.409 or the Family Medical Leave Act, he or she shall be considered for the first position for which he or she is qualified that becomes available after the employee is able to return to work.

RELIGIOUS
OBSERVANCES

The District shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the District business. Such absence shall be without pay unless local applicable paid local leave is available. *42 U.S.C. 2000e(j), 2000e-2-2(a); Ansonia Bd. of Education v. Philbrook, 107 S. Ct. 367 (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F. 2d 388 (10th Cir. 1984)*

MILITARY LEAVE
SHORT-TERM

All employees of the District who are members of the state military forces shall be granted a leave of absence from their duties without loss of time, efficiency rating, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered or authorized by proper authority, not to exceed 15 days in a federal fiscal year.

MILITARY LEAVE
LONG-TERM

Any employee, other than a temporary employee, who leaves his or her position for the purpose of entering into active duty with the regular or reserve Armed Forces of the United States or with the Texas National Guard or Texas State Guard, if discharged, separated, or released from such active duty under honorable conditions within five years from the date of enlistment or call to active service, shall be restored to employment in the same position held at the time of entering into active service or to a position of like seniority, status, and pay if the employee is still physically and mentally qualified to perform the duties of such position.

Other terms and conditions of military leave must also be in compliance with DEC(LEGAL).

ACCRUED LEAVE
BENEFITS

Accrued leave benefits shall be calculated using state and local leave accumulated as an employee of the District. Upon retirement with a minimum of five years or resignation after completing 20 years of employment with the District, an employee is eligible for accrued leave benefits under the following conditions:

1. Hourly position employees not working a scheduled 40-hour week are not eligible to be paid for accrued leave.
2. Any employee not mentioned above who retires after completing five consecutive years or resigns after

completing 20 years of service with the District shall be paid for accrued leave. Accrued leave shall be computed at one-half the daily rate at the time of retirement or resignation times the number of accrued leave days which shall not exceed one-half the number of working days in an annual contract. In order to receive payment for unused sick leave, retirement must occur at the end of the employee's contract period, or when retirement is necessitated by a medical disability as approved by the Teacher Retirement System. Exceptions to this provision shall be reviewed by the Board upon recommendation of the Superintendent.

3. No benefits shall be calculated on a salary schedule exceeding that of a regular teacher's salary schedule.

Upon death of an employee, these benefits are payable to his or her heirs.

Individuals who are retiring and have worked less than 85 days of the contract year shall have benefits calculated under this provision based on the previous year's salary schedule.

SICK LEAVE FUND

PURPOSE

The District maintains a Sick Leave Fund to assist employees who have exhausted all accumulated leave days when burdened with a catastrophic illness or injury. Employees may be granted use of contributed Sick Leave Fund days as set forth in this policy.

DEFINITION OF SICK LEAVE DAYS

Sick leave days from the fund are those days granted to an employee who, as a result of a catastrophic illness or **catastrophic** injury, is unable to perform the duties of his or her position. For purposes of this policy, catastrophic illness or **catastrophic** injury means any illness or injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

FAMILY MEMBERS

Sick leave days for immediate family members shall be granted for a catastrophic illness or injury of a family member (spouse, children, mother, father).

APPLICANT'S CRITERIA

A full-time employee who has worked for the District for a minimum of 12 consecutive months is eligible. This includes regular hourly wage employees, excluding substitutes.

The applicant must have exhausted all accumulated leave days, including local sick leave days, state leave days, vacation days, and compensatory days.

The applicant must submit an official District application requesting additional sick leave days up to a maximum of 30 days.

Under very extenuating circumstances an employee may request up to an additional 30 days.

A person cannot receive more than 30 days (an extra 30 days in extenuating situations) of contributed sick leave in a 12 month period.

DONOR'S CRITERIA

Prospective donors must have worked for the District a minimum of 12 months.

Donors may contribute only "earned" local sick leave. While the District allows an employee to use days in advance for the current year for his or her own family illness, a person cannot contribute such a day to others.

Only one day may be donated at a time. Only two donations may be made by an employee in a 12 month period.

An individual may make two one-day donations per 12 month period.

Donors shall come from the applicant's campus or department. In an area not large enough to support the request for extra sick leave days, or when not enough days are contributed, other campuses and departments may make contributions.

PROCEDURES FOR THE SICK LEAVE FUND

An employee in danger of exhausting all accumulated sick leave personal days, vacation, and compensatory time shall get an application from his or her campus or department secretary. The application shall be submitted to the assistant superintendent of human resources, who shall forward the application to the ECISD Sick Leave Fund Board of Directors (SLF Board).

~~The SLF Board shall, within ten working days, review the application and notify the applicant and his or her campus or department administrator that the request has been approved or denied, as well as the number of days donated, up to a maximum of 30 days.~~ **The Sick Leave Board will meet on a monthly basis (August – May), on the second Thursday of each month. The Board will review applications and notify the applicants that the requests have been approved or denied. A maximum of 30 days may be approved for applicants who meet the qualifications.**

The applicant's administrator shall offer the staff at the applicant's campus or department the opportunity to contribute a day of local sick leave for the applicant's use. The campus or department shall keep a log of the employees donating days in the order in which they are received. A copy of this list shall be given to the

Department of Human Resources.

The donating employee's leave shall be adjusted at the time the day is used. If there are days not used by the recipient, those days are not deducted. The unused days are not the property of the recipient.

In the event that the campus or department is not large enough to support the request for extra sick leave days, or when an insufficient number of days is contributed, other campuses and departments may make contributions. The administrator at the applicant's campus or department shall notify the Department of Human Resources, which shall notify other campuses of the need.

If the days are being donated by employees from other campuses, the list of days donated shall be kept at the applicant's campus or department. As the days are used, the home campus/department shall notify the donor's campus that the donated day has been used.

GOVERNING
COMMITTEE

The governing committee, which shall approve or reject all requests for Sick Leave Fund days, shall be called "The ECISD Sick Leave Fund Board of Directors" (SLF Board).

SLF BOARD

The SLF Board shall be composed of ~~nine~~ **thirteen** elected members and an assistant superintendent, or designee, who shall be an ex-officio member with no vote. To be eligible for the SLF Board, an employee must have been employed by the District for at least five years prior to the election. This restriction does not apply to the ex-officio non-voting member appointed by the Superintendent.

Distribution of membership among the various entities in the District shall be:

1. ~~Two~~ **Three** representatives from elementary campuses (certified, nonadministrative positions)
2. ~~Two~~ **Three** representatives from secondary campuses (certified, nonadministrative positions)
3. ~~One~~ **Two** campus-level administrator(s)
4. One representative from central administration
5. One nonadministrative representative from support services (custodial, transportation, food service, maintenance)
6. Two paraprofessional representatives (secretaries, clerks,

aides)

7. An assistant superintendent or designee, who shall serve as a nonvoting member of the Board, voting only in case of a tie.

TERM OF OFFICE Term of office of the SLF Board:

1. A member of the SLF Board shall serve for two years, beginning August 1 and ending July 31. A person may serve on the SLF Board no more than a total of two complete terms.
2. To establish continuity on the SLF Board, the term of office for ~~four~~ **six** of the members of the original SLF Board shall expire July 31, ~~2000~~ **2007**. The term of office for the other ~~five~~ **seven** members shall expire July 31, ~~2001~~ **2008**. Length of terms shall be decided by a drawing at the first SLF Board meeting following the first election.

ELECTION OF SLF BOARD Election procedures for the SLF Board are as follows:

1. The assistant superintendent or designee shall notify all employees of open filing for positions of the SLF Board by April 15. Filing forms shall be provided with a filing deadline of five working days.
2. Elections shall be held by May 1.
3. Every employee shall be eligible to vote for his or her representative(s).
4. The SLF Board shall count the ballots for all positions. ~~In the 1999 election, the Sick Leave Fund Committee shall count the votes.~~
5. In the event that no one files as a candidate for one or more of the positions on the Board of Directors, the SLF Board shall fill such positions by appointments at the first SLF Board meeting following the filing deadline. The selection shall be made from the group which would be represented by the vacant position.
6. In the event of a resignation, the SLF Board shall appoint a person from the appropriate group to fill the unexpired

term.

DUTIES AND RESPONSIBILITIES Duties and responsibilities of the SLF Board include the following:

1. The assistant superintendent or designee shall serve as chairperson.
2. At the first meeting of the year for the newly elected SLF Board members, the SLF Board shall select from among its members a vice chairperson and a secretary.
3. Applications for use of the Sick Leave Fund shall be reviewed individually at a called meeting. A quorum shall consist of at least ~~six~~ **seven** elected members. The SLF Board shall determine the number of days approved up to 30 days and reserve the right to approve, disapprove, or modify the days requested.
4. An applicant may appeal the decision of the SLF Board by requesting in writing, within five working days, to appear in person before the SLF Board.
5. The decision of the SLF Board regarding the appeal shall be final.

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