

COMPENSATION AND BENEFITS DEC LEAVES AND ABSENCES (LOCAL)

Leave Administration	The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.
Definitions	The term “immediate family” is defined as:
Immediate Family	<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, and sibling-in-law.5. Grandparent and grandchild.6. Any person residing in the employee’s household at the time of illness or death. <p>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).</p>
Family Emergency	The term “family emergency” shall be limited to disasters and lifethreatening situations involving the employee or a member of the employee’s immediate family.
Leave Day	A “leave day” for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.
School Year	A “school year” for purposes of earning, using, or recording leave shall mean the term of the employee’s annual employment as set by the District for the employee’s usual assignment, whether fulltime or part-time.
Catastrophic Illness or Injury	<p>A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family 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. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.</p>

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

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.
State Leave Proration	<p>If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal 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 state personal leave the employee used beyond his or her pro rata entitlement for the school year.</p>
Medical Certification	<p>An employee shall submit medical certification of the need for leave if:</p> <ol style="list-style-type: none">1. The employee is absent more than three consecutive workdays because of personal illness or 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; or3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave. <p>In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]</p>
State Personal Leave	The Board requires employees to differentiate the manner in which state personal leave is used.
Nondiscretionary Use	<p>Nondiscretionary 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)]</p> <p>Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.</p>
Discretionary Use	Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

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*Request for
Leave*

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

Discretionary use of state personal leave shall not exceed five consecutive workdays.

Local Leave

Each employee shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate without limit.

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 donate local leave to a sick leave pool. [See DEC(LEGAL)]

Extended Sick Leave

After all available paid leave days and any applicable compensatory time have been exhausted, a full-time employee shall be granted in a school year a maximum of 15 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.

To be eligible for extended sick leave, the employee shall have been absent at least seven consecutive workdays.

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

The District shall deduct the average daily rate of pay of a substitute for the employee's position for each day of extended sick leave taken, whether or not a substitute is employed.

Sick Leave Pool

An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers from a catastrophic illness or injury may request the establishment of a sick leave pool, to which District employees may donate local leave for use by the eligible employee.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

Appeal

**Family and Medical
Leave**

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Twelve-Month
Period

sick leave pool; and

Combined Leave for
Spouses

4. The return of unused days to donors.

An employee may appeal a decision regarding the establishment or implementation of the District's sick leave pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

Intermittent or
Reduced Schedule
Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Certification of
Leave

Note: See DECA(LEGAL) for provisions addressing FMLA.

Fitness-for-Duty
Certification

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

Leave at the End of
Semester

When 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.

Temporary Disability 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.

1. Procedures to
request the
establishment of
a sick leave pool;

When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

2. The maximum
number of days
an employee may
donate to a sick
leave pool;

In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitnessfor-duty certification.

3. The maximum
number of days
per school year
an eligible
employee may
receive from a

When 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.

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.]

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An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

Temporary disability leave shall apply after all paid leave and any applicable compensatory time are exhausted, and all shall run concurrently with FMLA 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.

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.

**No Paid Leave
Offset**

The District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

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.
