
PROPOSED REVISIONS

DEFINITIONS

IMMEDIATE FAMILY

Effective September 1, 2004, the term “immediate family” shall include:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling.
5. Grandparent and grandchild.
6. Any person who may be residing in the employee’s household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definition of “family” shall include only items 1, 2, and 3 on the above list.

FAMILY EMERGENCY

The term “family emergency” shall be limited to the birth/adoption of a child, natural disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

WORKDAY

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.

CATASTROPHIC ILLNESS OR INJURY

A catastrophic illness is one of a serious nature requiring treatment by a physician, not a mere passing disorder or temporary ailment. Although some degree of permanency is usually involved, the condition need not be incurable or permanent. Examples of illnesses that qualify for benefits of the program include, but are not limited to cancer, heart disease, multiple sclerosis, stroke, and muscular dystrophy and/or any other debilitating disease.

FAMILY LEAVE

Effective September 1, 2004, a salaried full-time employee shall earn family leave at the rate of one day for each completed calendar month of employment (the first workday through the last workday of any month). Family leave shall accrue to a maximum of 60 days.

Family leave may be used for a family emergency, a death in the immediate family, the employee’s illness or disability, the illness or

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	<p>disability of a member of the employee's immediate family, and long-term military duty.</p> <p>The ESC reserves the right to review the case of an individual employee who has used all available family leave to which the employee is entitled. In such a case, the Executive Director may:</p> <ol style="list-style-type: none">1. Advance family leave,2. Grant leave without pay,3. Terminate employment, or4. Take any other action deemed appropriate considering the individual employee's service to the organization.
STATE SICK LEAVE — ACCRUAL	<p>State sick leave accrued by ESC employees prior to May 25, 1997, shall be used only for the following:</p> <ol style="list-style-type: none">1. Illness of the employee.2. Illness of a member of the employee's immediate family.3. Family emergency.4. Death in the employee's immediate family.
STATE PERSONAL LEAVE — ACCRUAL	<p>Each employee participating in the Teacher Retirement System who works 18.75 hours or more a week and does not earn state personal leave from another employer shall earn state personal leave. Full-time employees shall earn leave at the rate of one-half a workday for each full calendar month, up to a maximum of five workdays each fiscal year. Leave for less-than-full-time employees shall be prorated according to scheduled work hours.</p>
TRANSFERABILITY OF LEAVE	<p>All transferred leave shall be subject to the provisions governing the use of state personal leave. The ESC shall accept the transfer of unused state sick leave and/or state personal leave accrued by former school district employees or unused sick leave accrued by former state agency employees. An employee may transfer no more than five days of unused leave for each year of school district or state agency employment.</p>
LONG-TERM MILITARY LEAVE	<p>Effective September 1, 2004, any employee serving long-term military leave duty (longer than 15 days in a federal fiscal year) shall be allowed to use any available paid leave including state personal leave, vacation leave, or family leave.</p>
LEAVE WITHOUT PAY	<p>Subject to approval, employees may be eligible for leave without pay as outlined below.</p>

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	<p>Leave without pay for full-time employees and for those who work less than full-time at a fixed rate shall be separated into two categories: ten workdays or fewer and more than ten workdays. [See WORKDAY, above] An employee shall not be guaranteed a position at termination of leave without pay.</p>
TEN WORKDAYS OR FEWER	<p>With the approval of the appropriate division director, an employee may be granted up to ten workdays of leave without pay per fiscal year for personal reasons. For the first ten workdays of leave without pay, the job position of the employee shall continue to be credited with family leave, state personal leave, and vacation leave.</p>
MORE THAN TEN WORKDAYS	<p>An employee may be granted leave without pay for more than ten workdays. Such leave shall be requested through the appropriate division director and allowed on approval of the Executive Director.</p> <p>The ESC shall continue to pay its contribution to the monthly "employee only" health-care premium benefit for an eligible ESC employee who has been granted leave without pay for a period not to exceed three months.</p> <p>Any family leave, state personal leave, or vacation leave earned prior to such leave without pay shall be credited to the employee upon his or her return to employment; however, no additional leave shall be credited during any pay period in which leave without pay occurs and no holiday shall be paid when leave without pay occurs the day before a holiday.</p> <p>Leave without pay shall be on a fiscal year basis.</p>
PAYMENT TO THE ESTATE	<p>Effective September 1, 2004, upon the death of an employee, the ESC shall pay the employee's estate for current year state personal leave and vacation leave allocated but not used.</p>
AVAILABILITY OF LEAVE	<p>Leave for the current year shall be available for use at the beginning of the fiscal year.</p> <p>When an employee who has used more leave than he or she has earned ceases to be employed by the ESC, the cost of the unearned leave days shall be deducted from the employee's final paycheck, and/or the employee shall be asked to reimburse the ESC for the unearned leave. Employees shall be docked in accordance with the Fair Labor Standards Act.</p>
MEDICAL CERTIFICATION	<p>An employee absent more than ten consecutive workdays because of personal illness or the illness of a member of the immediate family may be required to submit medical certification of the illness. Medical certification shall be made by a health-care provider as defined by the FMLA. [See DEB(LEGAL)]</p>

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COURT APPEARANCES	Absences for court appearances related to an employee's personal business shall be deducted from the employee's accumulated leave. However, an employee shall be granted leave with pay and without loss of accumulated leave for jury duty or compliance with a subpoena. The employee shall be required to present documentation of the service and shall be allowed to retain any compensation provided for jury duty.
FAMILY AND MEDICAL LEAVE	For purposes of an employee's entitlement to family and medical leave, the 12-month period shall begin on the first day of the fiscal year.
DEFINITION OF LEAVE YEAR	
CONCURRENT USE OF LEAVE	The ESC shall require employees to use family and medical leave concurrently with available paid leave; however, an employee receiving workers' compensation income benefits shall not be required to use paid leave. For coordination with workers' compensation wage benefits, see WORKERS' COMPENSATION, below.
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 and must be used within one year of the birth or placement of the child.
COMBINED LEAVE FOR SPOUSES	If both spouses are employed by the ESC, the ESC shall not 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, nor shall the ESC limit military caregiver leave to a combined total of 26 weeks. [See DEBA (LEGAL)]
CERTIFICATION OF SERIOUS HEALTH CONDITION	Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, and at 30-day intervals thereafter, the employee shall provide medical certification of the illness or disability, when appropriate.
MEDICAL RELEASE	The employee's request for reinstatement following family and medical leave shall be accompanied by medical certification of the employee's ability to perform job functions.
INSTRUCTOR REINSTATEMENT	An instructional employee 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 DEB(LEGAL).
FAILURE TO RETURN	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 ESC may require reimbursement of the employee benefits contribution made

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by the ESC during the period in which such leave was taken as unpaid leave.

SICK LEAVE BANK

The ESC shall establish a sick leave bank that full-time personnel employed by the ESC for 12 months (during the previous 12-month period) may join through contribution of family leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all earned paid leave.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

The Executive Director or designee shall develop regulations for the operation of the sick leave bank that addresses the following:

1. Membership in the sick leave bank, including the number of days an employee must donate to become a member.
2. Procedures to request leave from the sick leave bank.
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

APPEAL

All decisions regarding the sick leave bank may be appealed in accordance with DGBA (LOCAL), beginning with the Executive Director or designee.

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~~Full-time employees, employed by the ESC 12 months during the previous 12-month period, shall be eligible for sick leave bank (SLB) membership on September 1 of each fiscal year.~~

~~Providing the SLB distribution cap has not been met and with the approval of the SLB committee and/or the Executive Director, a maximum of 20 personal sick leave bank days, per fiscal year, may be provided to each member of the bank in the event a member's catastrophic illness or injury renders the member unable to perform his or her position duties for full workdays and causes a loss of income when all available paid leave (earned/unearned) has been exhausted.~~

WORKERS'
COMPENSATION

An employee absent more than ten consecutive workdays because of a job-related injury or illness shall be assigned to family and medical leave, when appropriate.

An employee eligible for workers' compensation wage benefits 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;
 - 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.

HOLIDAY SCHEDULE

Prior to the beginning of each fiscal year, the Board shall set the holiday schedule for the coming year.

VACATION LEAVE

EMPLOYED PRIOR
TO JANUARY 1, 1987

Each full-time employee hired prior to January 1, 1987, shall earn vacation leave according to the schedule below:

- | | |
|---------------------|---|
| 16 through 20 years | 1.75 days for the first 11 completed months, then 0.75 day for month 12 |
| 21 years and beyond | 2 days per month for the first 11 completed months, then one day for month 12 |

EMPLOYED ON OR
AFTER JANUARY 1,
1987

Salaried full-time, 12-month employees employed on or after January 1, 1987, shall earn vacation leave during the fiscal year at the rate of one day for the first ten completed calendar months of employment and one-half day for each of the remaining completed calendar months (the first workday through the last workday of any month). Recording of the expected 12-month vacation leave credit shall occur on September 1 of each year.

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	Salaried full-time employees working less than 12 months shall not earn vacation leave.
	Use of vacation days shall be approved in advance of use by the supervisor.
CARRYOVER	Vacation leave earned during the year shall be forfeited if not requested by the August cut-off date and used before August 31.
LEAVE FORFEITURE	All unused family leave and vacation leave shall be forfeited without pay at the time of separation of employment or upon acceptance of an ESC-20 adjunct position. State personal leave and State sick leave shall be transferred on the Teacher Service Record.