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Revised Policy - Vol. 39, No. 2

4430 - LEAVES OF ABSENCE

All support staff members not otherwise covered by the terms of a negotiated, collectively-bargained agreement of this District shall be entitled to ~~the~~ leave benefits which are not less than those provided in the master agreement with the _____.

All requests for unpaid leaves of absence by support staff members shall be presented to the Board of Education for approval.

Any support member granted a leave of absence by the Board shall be considered to have terminated all work with the School District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the District might be served.

[DRAFTING NOTE: THIS POLICY LANGUAGE SHOULD ONLY BE USED IF THE DISTRICT DOES NOT ALREADY HAVE A POLICY OR COLLECTIVE BARGAINING PROVISIONS RELATING TO PAID TIME OFF; IF THE DISTRICT DOES HAVE SUCH POLICY(IES) OR CBA LANGUAGE, THE DISTRICT SHOULD HAVE ITS LOCAL COUNSEL REVIEW AND REVISE ITS CURRENT PTO POLICY AND/OR COLLECTIVE BARGAINING AGREEMENT LANGUAGE AS NECESSARY TO COMPLY WITH THE ~~ESTAPMLA~~ IN LIEU OF CHOOSING THIS OPTIONAL LANGUAGE]

Earned Sick Time Act (ESTA)~~Paid Medical Leave (PML)~~

This policy provision applies to all District employees who are eligible to accrue earned sick time under the Earned Sick Time Act ("ESTA")~~paid medical leave under the Paid Medical Leave Act (PMLA)~~. "Paid Leave" includes, but is not limited to, paid vacation days, paid personal days, and paid time off (i.e. PTO).

The District adopts:

The Accrual Method

Each eligible employee will accrue one (1) hour of earned sick time for every thirty (30)~~Paid Medical Leave for every thirty-five (35)~~ hours worked, but not more than one (1) hour of paid medical leave in a calendar week limited to a maximum of seventy-two (72)~~forty (40)~~ hours per benefit year. Eligible employees may carry over accrued but unused earned sick time to the next benefit year. Earned sick time will begin accruing on February 21, 2025, or)~~forty (40) hours ()~~ [some number higher than forty (40)]~~of accrued but unused paid medical leave time to the next benefit year. Paid medical leave will begin accruing on () March 29, 2019, or upon a new hire's start date ()~~ however, new employees must wait ninety (90) days after the commencement of employment to use accrued time The District will prorate paid leave for eligible employees hired during a benefit year.

An employee may use earned sick time under the ESTA for~~Paid Medical Leave under the PMLA for:~~

- A. An employee or employee's family member's mental or physical illness, injury, health condition and medical diagnosis, care, or treatment, preventative medical care.

B. If the employee or the eligible employee's family member is a victim of domestic violence or sexual assault:

1. for medical, psychological, or other counseling for physical or psychological injury or disability;
2. to obtain services from a victim services organization;
3. to relocate due to domestic violence or sexual assault;
4. to obtain legal services; and/or
5. to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.

C. For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child.

D. Closure of the employee's primary workplace due to a public health emergency or to provide care for a child whose school or place of care has been closed due to a public health emergency.

E. If health authorities or a health care provider have determined that the employee or employee's family member would jeopardize the health of others because of their exposure to a communicable disease regardless of whether employee or family member has actually contracted the communicable disease.

An employer shall not require an employee to search for or secure a replacement worker as a condition for using earned sick time.

Definitions

A "family member" includes:

- A. a biological, adopted, or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis;
- B. a biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or the employee's spouse or domestic partner, or an individual who stood in loco parentis when the employee was a minor child;
- C. an individual to whom the employee is "legally married under the laws of any state";
- D. a grandparent or grandchild; ~~and~~
- E. a biological, foster, or adopted sibling; ~~and~~
- F. any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

A "domestic partner" means an adult in a committed relationship with another adult, including both same-sex and different-sex relationships.

A "committed relationship" means one in which the employee and another individual share responsibility for a significant measure of each other's common welfare, such as any relationship between individuals of the same or different sex that is granted legal recognition by a state, political subdivision, or the District of Columbia as a marriage or analogous relationship including, but not limited to, a civil union.

~~ESTABLISH~~ PMLA leave must be used in one (1) hour increments.

If the need for earned sick time is foreseeable, an employer may require advance notice of the intent to use it, provided the notice period does not exceed seven (7) days before the leave begins. ~~An eligible employee who is using Paid Medical Leave because of domestic violence or sexual assault may be required to provide documentation that the Paid Medical Leave has been used for that purpose.~~

If the need for earned sick time is not foreseeable, an employer may require the employee to provide notice of their intent to use it as soon as practicable. What is considered practicable depends on the specific facts and circumstances of each situation, and both parties should approach this requirement reasonably. For consistency, a similar standard would apply under ESTA. When taking leave under ESTA, employees must provide enough information for the employer to assess whether it qualifies under ESTA's eligible uses. If the employer is uncertain, they may request additional details about the nature of the leave to determine its eligibility. ~~Employees must follow the District's usual practice or procedure for requesting, although the District will give employees three (3) days to acquire the proper documentation if the time off is used for paid medical leave, for the reasons set forth above.~~

For earned sick leave exceeding three consecutive days, an employer may require reasonable documentation confirming that the leave was used for a permissible purpose. The employee must provide this documentation promptly upon request pursuant to the following guidelines:

- A. Employer-required documentation should not include details about the illness or specifics of the violence.
- B. If documentation is required, the employer must cover any out-of-pocket costs the employee incurs to obtain it.
- C. An employer cannot delay the start of the leave due to a failure to receive documentation.

Employees will be paid at a rate equal to the greater of either the normal hourly or base wage rate for that employee or the minimum wage rate, at the time of absence. ~~ESTAPMLA~~ pay will not include overtime pay, holiday pay, bonuses, commissions, supplemental pay, piece-rate pay, or gratuities. For any employee whose hourly rate varies depending on work performed, the "normal hourly wage" means the average hourly wage of an employee in the pay period immediately prior to the pay period in which the employee used paid earned sick time.

Employee will not will be paid for unused, accrued ~~ESTAPMLA~~ leave time at the end of the benefit year or upon separation, voluntary or involuntary.

To the extent that any current collective bargaining agreements already provide all of the requirements of the ~~ESTAPMLA~~, those are sufficient to address the District's obligations to that set of employees and will control the employees covered under the collective bargaining agreement instead of this policy.

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Last Modified by Tamara Young on May 6, 2025