

COMPENSATION AND BENEFITS:
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS
FAMILY

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 residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act, the definition of "family" includes only spouse, parent, and child.

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.

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.

STATE PERSONAL
LEAVE — RATE OF
ACCRUAL

Each employee shall earn state personal leave at the rate of one-half workday for each 18 workdays of employment, up to the statutory maximum of five workdays annually.

TYPES OF STATE
PERSONAL LEAVE

The Board requires employees to differentiate between uses of personal leave:

DISCRETIONARY

1. To be taken at the individual employee's discretion, subject to limitations set out below.

NON-
DISCRETIONARY

2. To be used for the same reasons and in the same manner as state sick leave accumulated prior to May 30, 1995. [See DEC(LEGAL)]

USE OF
DISCRETIONARY
LEAVE

A written request for use of discretionary personal leave shall be submitted to the immediate supervisor or designee in advance in accordance with administrative regulations. The reasons for which personal leave may be used shall not be limited by the District. In deciding to approve personal leave, however, the supervisor or designee shall consider the effect of the employee's absence on the educational program, as well as the availability of substitutes. [See DEC(LEGAL)]

REQUEST FOR
LEAVE

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LOCAL LEAVE	<p>All employees shall earn five workdays of local leave per school year, at the same rate as state personal leave.</p> <p>Local leave shall be noncumulative and shall be taken with no loss of pay.</p> <p>Local leave shall be used under the terms and conditions applicable to state sick leave accumulated prior to the 1995–96 school year. [See DEC(LEGAL)]</p>
USE AND RECORDING	<p>Available 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 prior to the 1995–96 school year.3. State personal leave. <p>Leave used shall be recorded in increments of half days. Employees shall be charged leave as used even if a substitute is not employed.</p> <p>Any leave taken for which leave balances are insufficient shall result in a deduction from the employee's paycheck commensurate with the amount of leave taken.</p>
AVAILABILITY	<p>Paid leave for the current year shall be available for use at the beginning of the school year. Paid leave shall not be approved for more workdays than have been accumulated in prior years plus those to be earned during the current year.</p> <p>When an employee who has used more leave than he or she has accumulated ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.</p>
MEDICAL CERTIFICATION	<p>An employee absent more than five consecutive workdays because of personal illness or illness in the immediate family shall submit medical certification of the illness.</p> <p>Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. [See DEC(LEGAL)]</p>
TEMPORARY DISABILITY	<p>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.</p>
COURT APPEARANCES	<p>Absences for court appearances related to an employee's personal business shall be deducted from the employee's leave or, at the option of the employee, shall be taken as leave without pay.</p>

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FAMILY AND MEDICAL LEAVE	For purposes of an employee's entitlement to family and medical leave, the 12-month period shall be measured forward from the day an individual employee's first family and medical leave begins.
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 LEAVE FOR SPOUSES	If both spouses are employed by the District, family and 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.
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.
CERTIFICATION OF ILLNESS	Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, the employee shall provide medical certification of the illness or disability.
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).
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 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.
WORKERS' COMPENSATION	<p>An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.</p> <p>An employee eligible for workers' compensation wage benefits, and not on assault leave, shall indicate whether he or she chooses to:</p> <ol style="list-style-type: none">1. Receive workers' compensation wage benefits; or2. Use available paid leave. Workers' compensation wage benefits shall begin when:<ol style="list-style-type: none">a. Paid leave is exhausted;b. The employee elects to discontinue use of paid leave; orc. Leave payments are less than the employee's pre-injury average weekly wage.

