

CLASSIFIED STAFF LEAVES AND ABSENCES

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Rescinds GDC Issued: 08/11/2009

BOARD POLICY

The Board of Trustees provides leaves of absence for classified employees for reasons as listed herein. ~~The following~~ This leave policy will be applicable to all full-time classified staff as defined herein, with the exception of hourly personnel employed in the area of school food service. The Board authorizes the superintendent to establish procedures consistent with state and federal law and this policy.

1. SICK LEAVE

1.1 Each full-time classified staff, at the beginning of each school year, will be credited with ten days sick leave allowance for absences caused by illness or physical disability of the employee during that school year. Sick leave for employment of less than a full year will be earned at the rate of one day per month of employment for each complete month worked with a maximum of ten days per year. Should an employee terminate employment prior to actually earning the days advanced, a payroll adjustment shall be made to recover the full cost of excess leave days previously used. Any unused portion of annual sick leave will be carried over to the next year and credited to the employee. Accumulation of sick leave will be unlimited. ~~No deduction from pay will occur as a result of absences caused by illness or physical disability until all leave allowance has been used.~~ Deductions from pay will only occur as provided herein.

1.2. Situations for which sick leave may be granted are as follows:

1.2.1. A Family Medical Leave Act qualifying event or an actual period of temporary disability caused by a personal illness, injury, or other temporary disability, that prevents an employee from performing his or her usual duties.

1.2.2. An illness in the employee's immediate family that necessitates the employee's attendance; immediate family is defined as spouse, parent, stepparent, sibling, dependent child/stepchild. Verification may be required.

1.2.3. Medical or dental appointments.

1.2.4. Due to each death in the immediate family, an employee may use up to three (3) days of sick leave with full pay as bereavement leave. For purposes of this section only, immediate family is defined as spouse, parent, parent-in-law, stepparent, sibling, brother-in-law, sister-in-law,

child or stepchild.

1.3. Should an employee's absence extend for more than three (3) consecutive workdays, the employee must submit **to his or her immediate supervisor** ~~Human Resources~~ ~~on or before the fourth day~~, a statement from a licensed physician or dentist concerning the illness. The employee will be processed for FMLA if a qualifying event exists. The District reserves the right for the Human Resources Director to request a doctor's statement of verification **of illness** regardless of the length of absence, including one day.

~~Sick leave charges are as follows:-~~

1.4. The minimum sick leave that may be taken is one-half of one day in any given workday. Only sick days taken on actual workdays shall be charged in calculating the number of sick leave days taken.

1.5. The TPSD workers' compensation policy allows employees who sustain job-related injuries to use sick leave to make up the difference between their normal wage and the amount they are receiving under the workers' compensation award when the workers' compensation injury last four days or less. When the workers' compensation injuries lasts five or more consecutive days and qualifies for FMLA, an employee may only utilize sick time if both the District and the employee agree in writing to allow for its usage. Additionally, during absences where disability benefits are being paid, an employee may only utilize sick time if both the District and the employee agree in writing to allow for its usage.

1.6. Upon termination of employment, unused sick days for which the employee is entitled to full pay will be counted as credible service for purposes of the retirement system to the extent provided in Section 25-11-103 of the Mississippi Code and the policies of the Public Employees' Retirement System.

2. PERSONAL LEAVE FOR ASSISTANT TEACHERS

2.1. Assistant teachers may take up to five personal leave days per school year. The District rate of pay for a substitute teacher shall be deducted from the pay of the absent employee.

2.2. Personal leave shall not be taken on the first or last day of the school year, or on a day immediately prior to or following a holiday unless on such days an immediate family member of the employee is being deployed for military service.

2.3. All personal leave will be subject to the prior approval of the immediate supervisor. When an employee is receiving workers' compensation or disability benefits, the employee will only be able to

utilize personal days when both the District and the employee agree in writing.

2.4. It is the intent of the Board that not more than ten percent of the classified employees of a school be granted personal leave on the same date. A suitable substitute shall be scheduled prior to the approval of a personal leave request.

3. PROFESSIONAL DEVELOPMENT LEAVE

The immediate supervisor of an employee may approve a maximum of five days per school year for professional development purposes related to the mission of the District. Any exceptions to the professional development leave allowance will require the prior written approval of the superintendent or designee.

4. EDUCATIONAL LEAVE

Employees of the District for a period of at least two continuous years may request a leave of absence for educational reasons. Requests for **such** temporary leave of absence must be submitted in writing by the employee explaining the reason for the leave. A leave of absence must be approved by the Board and will be granted for a period deemed to be in the best interest of the District. **All educational leave will be unpaid unless otherwise specified.**

5. LEGAL LEAVE

When an employee is subpoenaed to testify in court in which the employee is not a party or is summoned to serve on a jury, the employee will be granted leave upon verification of the summons or subpoena by the immediate supervisor. During such absence, the employee will be entitled to receive a regular rate of pay and fringe benefits normally received. Legal leave will not be granted in cases in which the employee is in litigation against the District.

6. MILITARY LEAVE

Employees who are members of a reserve component and who are required to attend annual military training while under contract are entitled to full salary for up to fifteen days while on military leave. The fifteen days of military leave is a separate period from the employee's regular leave, and may not be deducted as personal or sick leave.

7. EXHAUSTION OF LEAVE

Following the exhaustion of leave taken by an employee, the employee must return to work. If the employee does not return to work within ~~30~~ **3 work** days following the exhaustion of leave, his/her employment may be terminated. However, the employee may petition the Board of Trustees to extend the period of unpaid leave, and if exceptional circumstances are

found to exist, the leave may be extended.

8. SCHOOL FOOD SERVICE HOURLY EMPLOYEES

8.1. All hourly school food service employees will receive five paid vacation days per school year. For the purpose of holiday pay, employees will be paid based upon the regular hours worked during a normal workday.

8.2. Hourly school food service employees with at least one full year of continuous employment with the District will receive seven days sick leave at the beginning of the school year. Employees with less than one year of employment will receive 1.5 days per month for sick leave, not to exceed seven days.

8.3. A sick leave day will be based upon the number of hours the employee is normally scheduled to work.

8.4. If a food service employee should resign or leave prior to the end of the school year and has used sick leave in excess of 1.5 days per month of employment, the district will deduct the amount due to the district in the last payroll check of the employee.

9. VACATION LEAVE

9.1. Eligible full-time support **classified** staff employed for a period of twelve months annually will be credited with .84 days of vacation leave each month with a maximum accumulation of thirty (30) days.

9.2. All vacation leave will be subject to the prior approval of the immediate supervisor.

9.3.1. Unused vacation leave accumulated in excess of the maximum five days which may be carried over from one year to the next may be converted to sick leave in accordance with state law.

9.3.2. State law allows for the conversion of unused vacation/personal leave to sick days not to exceed the following:

- Continuous service of 1-3 yrs: convert maximum of 18 days per year;
- 37 months-8 years: convert maximum 21 days per year;
- 97 months-15 years: convert maximum 24 days per year;
- Over 15 years: convert maximum 27 days per year.

10. FALSE STATEMENTS

Any materially false statement by the employee as to the cause of absence may result in full deduction from salary for days absent or entry on the work record, or other appropriate penalty deemed justified by the Board.

ADMINISTRATIVE PROCEDURE

1. Definitions

1.1. "Classified employee" means any employee of the District who is not required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.

1.2. "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the state for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.

1.3. "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild.

2. Accumulated or future sick leave may be forfeited, if the absence of the employee is caused by optional dental or medical treatment or surgery which could, without medical risk, have been provided, furnished or performed at a time when school was not in session.

3. Employees may accumulate increments of one hour up to four times before being charged with one-half day leave.

4. Donation of Leave

An employee may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the District or another school district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

4.1. The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated, and shall notify the Human Resources office in writing of his or her designation.

4.2. The maximum amount of unused accumulated personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than seven (7) days of personal leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.

4.3. A recipient employee must have exhausted all of his or her accumulated personal leave and sick leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for donated leave shall be based upon review and approval by the recipient employee's supervisor.

4.4. Before an employee may receive donated leave, he or she must provide Human Resources with a physician's statement that states the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.

4.5. If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

4.6. Donated leave shall not be used in lieu of disability retirement.

4.7. **Once leave has been donated and used by the recipient, it** ~~Note: An employee considering donation of leave shall understand that the leave cannot be reacquired for use by the donor. after it has been donated and used by the recipient;~~ that **Further**, donation of leave might affect retirement benefits in regard to carry-over leave **and may have tax consequences.**

~~and that the leave is not available in case he/she needs it later.~~

EXHIBITS

None

REFERENCES

MCA §37-7-307

FORMS

GDC 1.0910 Donation of Leave form

***RESCINDS**

GDC 08/11/2009; GDC-E Issued 5/24/2005