

District: Tupelo Public School District
Section: G - Personnel
Policy Code: GADG - Professional Leave

LICENSED STAFF LEAVES AND ABSENCES

BOARD POLICY

The Board of Trustees provides leaves of absence for licensed employees for reasons as listed in this policy.

1. SICK LEAVE

- a. Each full time licensed employee, at the beginning of each school year, will be credited with ten (10) days sick leave allowance for absences caused by illness or physical disability of the employee during that school year. Any unused portion of annual sick leave will be carried over to the next school year if the employee remains employed in the District. In the event any public school licensed employee transfers from the TPSD to another district in Mississippi, any unused portion of the total sick leave allowance credited to such licensed employee or teacher assistant shall be credited to such licensed employee or teacher assistant in the computation of unused leave for retirement purposes. 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. For the first ten (10) days of absence because of illness or physical disability in excess of the sick leave allowance of the employee, the District rate of pay for a substitute will be deducted from the pay. Thereafter, the employee's regular daily rate of pay will be deducted.
- b. Situations for which sick leave may be granted are as follows:
 - i. 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.
 - ii. An illness in the employee's immediate family that necessitates the employee's attendance; "immediate family" is defined as spouse, parent, stepparent, sibling, child or stepchild. Verification may be required.
 - iii. Medical or dental appointments.
 - iv. 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. **Any day of the three (3) bereavement days may be used at the discretion of the teacher and are not required to be taken in consecutive succession.** For purpose of this section only, "immediate family" is defined as spouse, parent, ~~parent-in-law~~, stepparent, grandparent, ~~grandchild~~, sibling **including stepbrother or stepsister**, ~~brother-in-law, sister-in-law~~, child or stepchild.
- c. Should an employee's absence extend for more than three (3) consecutive workdays, or for two (2) consecutive school days immediately preceding or following a nonschool day, the employee will submit to his or her immediate supervisor, a certificate from a licensed physician or dentist as to the illness. The employee's leave will be processed for FMLA if a qualifying event exists. The District authorizes the Human Resources Director to request a doctor's statement of verification of illness at any time regardless of the length of absence, including an absence of one day.
- d. The minimum sick leave that may be charged to an employee 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.

- e. The TPSD workers' compensation policy requires employees who sustain job-related injuries to use paid 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 lasts four (4) or fewer days. When the workers' compensation leave lasts five (5) or more consecutive days and qualifies for FMLA, an employee may only utilize sick time if both the District and 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 employer agree in writing to allow for its usage.
- f. Upon termination of employment, unused sick leave for which the employee is entitled to full pay will be counted as creditable service for purposes of the retirement system to the extent provided by state law and the policies of the Public Employees' Retirement System.

2. PERSONAL LEAVE

- a. Each full-time licensed employee employed for less than twelve months will be credited with two (2) personal leave days with pay at the beginning of each school year.
- b. Personal leave shall not be taken on the first or last day of the school term, or on a day immediately prior to or following a school holiday, unless on such day: (i) an immediate family member of the employee is being deployed for military service, or (ii) an immediate family member of the employee dies or funeral services are held. For purposes of this subsection, the term "immediate family" means spouse, parent, stepparent, child or stepchild, grandparent or sibling, including a stepbrother of stepsister.
- c. All personal leave will be subject to the prior approval of the employee's immediate supervisor. A suitable substitute shall be scheduled prior to the approval of a personal leave request. It is the intent of the Board that not more than ten percent of the licensed employees of a school be granted personal leave on the same date.
- d. Any unused portion of the total personal leave allowance up to five (5) days shall be carried over to the next school year and credited to such licensed employee if the licensed employee remains with the District. Unused personal leave in excess of five (5) days will accumulate as sick leave.
- e. After the exhaustion of their two personal days with pay, first year licensed employees may be granted up to an additional three (3) days of personal leave under the condition that the District rate of pay for a substitute will be deducted from the pay of the absent employee. Similarly, second year employees will have one additional day of personal leave available to them under the same condition.
- f. When an employee is receiving workers' compensation or disability benefits, the employee will not be able to utilize personal days.

3. EDUCATIONAL LEAVE

After employment by the District for a period of two (2) continuous years, a licensed employee may be granted a leave of absence for educational purposes. A request for a such leave of absence must be submitted in writing by the employee to his/her supervisor explaining the reason for the leave. All leaves of absence must be approved by the Board and

may be granted for the remainder of a semester and may be extended upon request for an additional semester of the same school year. The leave of absence may not extend beyond the expiration date of the contract of the employee. All educational leave will be unpaid unless otherwise specified.

4. LEGAL LEAVE

When a licensed employee is subpoenaed to testify in court in a case 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.

5. EXHAUSTION OF LEAVE

Following the exhaustion of leave taken by a licensed employee, the employee must return to work. If the employee does not return to work within 3 work days following the exhaustion of leave, his/her employment may be terminated. However, the employee may petition the Board to extend the period of unpaid leave, and if exceptional circumstances are found to exist, the request for extended leave may be granted.

6. MILITARY LEAVE

Licensed employees who are members of a reserve unit and who are required to attend military training while under contract to the District 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. FALSE STATEMENTS

Any materially false statement by the employee as to the cause of absence may result in discipline up to and including termination of employment.

The Board authorizes the superintendent to establish procedures consistent with state and federal law and this policy.

LEGAL MCA §37-7-307 §25-11-103

REF:

Last Review Date: 10.19.2017

Review History:

[GCCA-E - Licensed Staff Leaves and Absences_Donation Form.pdf](#)
ADMINISTRATIVE PROCEDURES

1. Definitions

- a. 'Licensed employee' means any employee of the District required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.
- b. '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.

- c. Except as stated in Policy section 1 b. iv, 'immediate family' means spouse, parent, stepparent, sibling, child or stepchild.
2. Each licensed employee shall be credited with a professional leave allowance, with pay, for each day of absence caused by reason of such employee's statutorily required membership and attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television, the meetings of the state textbook rating committees or other meetings authorized by Board policy.
3. Upon retirement from employment, each licensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the District. Such payment for licensed employees shall be made by the District at a rate equal to the amount paid to substitute teachers. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in MCA §25-11-103(e). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed employee at termination or separation from service for any purpose other than for the purpose of retirement.
4. 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.
5. Certified Licensed employees may accumulate up to six (6) hours of leave before being charged with any leave time. After accumulating 6 hours, employees will be charged a full day for every six (6) hours of leave.
6. 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:
 - a. 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.
 - b. 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.

- c. 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.
- d. 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.
- e. 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.
- f. Donated leave shall not be used in lieu of disability retirement.
- g. Once leave has been donated and used by the recipient, it cannot be reacquired for use by the donor. Further, donation of leave might affect retirement benefits in regard to carry-over leave and may have tax consequences.

Adopted Date: 2/22/2013

Approved/Revised Date: