

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

PROPOSED REVISIONS

**Leave
Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

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, and 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 (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

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.

Leave Day

A "leave day" for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Daily Rate of Pay

The "daily rate" of a contract employee, including a teacher, school counselor, or librarian, shall be computed by dividing the employee's annual salary by the number of duty days in the employee's contract year.

Catastrophic Illness
or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time

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earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**State Leave
Proration**

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

**Nondiscretionary
Use**

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

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Discretionary Use	Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.
<i>Request for Leave</i>	<p>In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.</p> <p>Discretionary use of state personal leave shall not exceed five consecutive workdays.</p>
Local Leave	<p>Each employee shall earn five paid local leave days per school year in accordance with administrative regulations.</p> <p>Local leave shall accumulate without limit.</p> <p>Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]</p>
Trainee Supervisor Leave	<p>A full-time professional employee who supervises a trainee shall earn one paid trainee supervisor leave day per assignment per semester in accordance with administrative regulations.</p> <p>Trainee supervisor leave shall not accumulate beyond the semester in which it is earned.</p> <p>Trainee supervisor leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]</p>
Leave Pools	
Sick Leave Pool	An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate local leave or state personal leave for use by the eligible employee.
Bereavement Leave Pool	An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers the loss of a spouse; son, daughter, or stepchild; or parent, stepparent, or parent-in-law may request the establishment of a bereavement leave pool, to which District employees may donate local leave or state personal leave for use by the eligible employee.

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Procedures	<p>The sick leave pool or bereavement leave pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the pool.</p> <p>The Superintendent shall develop regulations for the implementation of the pool that address the following:</p> <ol style="list-style-type: none">1. Procedures to request the establishment of a pool;2. The maximum number of days an employee may donate to a pool;3. The maximum number of days per school year an eligible employee may receive from a pool; and4. The return of unused days to donors.
Appeal	<p>An employee may appeal a decision regarding the establishment or implementation of a District pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.</p>
Family and Medical Leave	<p>The District shall make FMLA leave available to employees in accordance with DECA(LEGAL) and the following provisions.</p>
Concurrent Use of Paid Leave	<p>FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable, except as provided below.</p>
<i>Exception</i>	<p>A teacher shall notify the appropriate administrator if they choose not to use paid leave concurrently with FMLA leave for an absence related to pregnancy or the birth or adoption of child.</p>
Twelve-Month Period	<p>For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.</p>
Combined Leave for Spouses	<p>When both spouses are employed by the District, the District shall 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. The District shall limit military caregiver leave to a combined total of 26 weeks.</p>
Intermittent or Reduced Schedule Leave	<p>The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.</p>
Certification of Leave	<p>When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.</p>

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Fitness-for-Duty Certification	In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.
Leave at the End of Semester	When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.
Temporary Disability Leave	<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. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.</p>
Workers' Compensation	<hr/> <p>Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.</p> <hr/> <p>An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p>
No Paid Leave Offset	The District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]
Court Appearances	Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.
<u>Payment for Accumulated Leave Upon Retirement</u>	<p><u>An employee who retires from the District shall be eligible for payment for accumulated state and local leave under the following conditions:</u></p> <ol style="list-style-type: none"><u>1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.</u><u>2. The employee is retiring under the Teacher Retirement System of Texas (TRS).</u>

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3. The employee has at least five consecutive years of service with the District as a full-time employee immediately preceding retirement.

4. The employee has maintained an attendance rate of at least 95% the year immediately preceding retirement.

The employee shall receive payment for up to 50 days of accumulated state and local leave, to a maximum of \$100 per day for exempt employees or \$50 per day for nonexempt employees. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.