

## Policy 3126

### Certificated: Sickness, Absences and Leaves

#### A. Definitions

1. ~~"Birth parent" means:~~

- ~~a. the biological mother of a child,~~
- ~~b. a man whose paternity of a child is established,~~
- ~~c. a man who has been identified as the father of a child by the child's birth mother who has not denied paternity, or~~
- ~~d. an unmarried biological father.~~

~~Utah Code § 78B-6-103(10), (11) (2024)~~

2. ~~"Paid leave hours" means leave hours the District provides to an employee who accrues paid leave benefits in accordance with District policies, including annual, vacation, sick, paid time off, or any other type of leave that may be taken while still receiving compensation. It includes but is not limited to paid parental leave or paid postpartum recovery leave.~~

~~Utah Code § 53G-11-209(1)(a) (2024)~~

3. ~~"Parental leave" means leave hours provided to a parental leave eligible employee.~~

~~Utah Code § 53G-11-209(1)(b) (2024)~~

4. ~~"Parental leave eligible employee" means an employee who accrues paid leave in accordance with District leave policies who is~~

- ~~a. a birth parent;~~
- ~~b. legally adopting a minor child (except when the employee's spouse is the child's pre-existing parent),~~
- ~~c. the intended parent of a child born under a validated gestational agreement under Utah Code Title 78B Chapter 15, Part 8, or~~

~~d. appointed the legal guardian of a minor child or an incapacitated adult.~~

~~Utah Code § 53G-11-209(1)(c) (2024)~~

- ~~5. "Postpartum recovery leave" means leave provided to a postpartum recovery leave-eligible employee to recover from childbirth at 20 weeks or greater gestation.~~

~~Utah Code § 53G-11-209(1)(d) (2024)~~

~~Utah Code § 63A-17-511(1)(d) (2024)~~

- ~~6. "Postpartum recovery leave-eligible employee" means an employee who accrues paid leave in accordance with District leave policies who gives birth to a child at 20 weeks or greater gestation.~~

~~Utah Code § 53G-11-209(1)(e) (2024)~~

~~Utah Code § 63A-17-511(1)(d) (2024)~~

- ~~7. "Qualified employee" means a parental leave-eligible employee or a postpartum recovery leave-eligible employee.~~

~~Utah Code § 53G-11-209(1)(f) (2024)~~

- ~~8. "Unmarried biological father" means a man who is the biological father of a child but who was not married to the biological mother at the time of the child's conception or birth.~~

~~Utah Code § 78B-6-103(28) (2024)~~

- B. All leave types must be input in the appropriate system before the absence occurs. Emergency situations would be the only exception.

C. Sick Leave for Personal Illness

1. In the event an educator is compelled to be absent from assignment because of personal illness, pregnancy, adoption, or injury, a sick leave benefit is allowed. (Sick leave may be used only during a regular nine-month contract year.)
2. Sick leave shall be earned at the rate of one day per month, but in no case less than 10 days per working year. No sick leave will be earned while an educator is on leave without pay or on unpaid Family Medical Leave. Unused sick leave shall accumulate without restriction.

3. Recovery from any extended illness extending to 10 working day or more will require certified medical verification. Every 10 days thereafter following the initial ten days will require an additional certified medical verification from a physician specifying the medical need for an extension. The Board may require, at its expense, a second opinion and verification of the medical need for an extension.
4. Educators shall be notified annually of the number of days of accumulated sick leave.
5. Ten days of sick leave, the annual amount, will become available to each educator at the beginning of the contract year. In the event an educator does not fulfill the contract year, sick leave will be pro-rated, based on the number of days worked. Salary due upon termination will be adjusted accordingly.

#### D. Family Illness

1. Certificated employees shall, upon request, be granted sick leave for illness or accident involving members of the employee's family. Family is defined as parent, spouse, child, in-law (father, mother, brother, sister), grandchild or sibling either by blood relationship or by law. Family sick leave days taken will be deducted from the sick leave of the employee. [Family Medical Leave Act](#) (FMLA) and [District Policy 3090 Family Medical Leave Act](#).

#### E. Extended Illness

1. In cases where the accumulated sick leave days of an educator do not adequately care for the sick leave need of that educator or family, the Board may, upon written request of the educator, grant an extension of the sick leave benefits of said educator, with or without pay, to carry the educator over the period of need.
2. Accumulated sick leave will be granted for extended illness of an educator to the end of the school year in which the illness occurs. At that time, a determination will be made as to the severity of the illness and/or the ability of the educator to continue employment. If the educator is unable to begin the next school year and qualifies for disability retirement or can retire under the provisions of the [Utah State Retirement Act](#) and/or Social Security, the educator will be required to apply for these benefits. The School District will pay the salary difference between these benefits and the daily salary amount an educator would receive under normal circumstances for the number of sick leave days accumulated.

#### F. Misuse of Sick Leave

1. Educators are expected to act in a professional manner when using their sick leave. In the event an educator misuses sick leave the educator will forfeit pay for that day(s) and the substitute wages will be deducted from the educator's pay. The sick leave days used will not be reinstated. The **Board administrator** may request verification of the need for sick leave if they believe misuse has occurred.

G. Voluntary Sick Leave Bank (Certificated)

1. The Board and the Association will cooperate in maintaining a Sick Leave Bank on a voluntary basis. All educators shall be eligible to participate. Participants must be enrolled in the Bank.
2. Educators enrolling in the Bank will automatically donate one day of their sick leave each October 1<sup>st</sup> until the Bank has accumulated 750 days; thereafter, if the Bank becomes depleted to 500 days, all members will donate one day of sick leave. New members will donate one day of sick leave when joining. Educators will be notified in writing when sick leave days are withdrawn to add to the Sick Leave Bank.
3. An educator wishing to withdraw from the Bank must give written notification by October 1<sup>st</sup> of each school year. An educator withdrawing from membership in the Bank will not be able to withdraw any days which such educator has previously contributed.
4. An educator must use at least 25 leave days for the same illness (with any combination of leave days and/or leave without-pay days) prior to receiving Sick Leave Bank benefits. A provisional teacher may apply to the Sick Leave Bank Committee to have up to 10 of the 25 days waived.
5. After having used the required 25 days, all remaining leave days will be the educator's new balance.
6. A maximum of 75 days each school year can be drawn by an educator from the Bank in addition to the educator's own accumulated days.
7. And educator who withdraws sick leave days from the Bank will not be required to replace such days except as a regular contributing member to the Bank.
8. Sick leave days can only be withdrawn from the Bank for an individual educator's illness or injury.

9. A written request for use of the Bank days, accompanied by a letter from the attending physician certifying that the educator is unable to fulfill contractual obligations and explaining the medical reasons therefore, must be submitted to the Sick Bank Committee for its review.
10. The Sick Leave Bank Committee shall consist of three educators appointed by the Association and three persons from the Administrative Staff appointed by the Superintendent.
11. The duties of the Sick Leave Bank Committee will be to receive applications from members desiring to use Sick Bank benefits, to review such applications, to make decisions on usage and to respond to the applicants. Decisions will be by a 2/3 majority.
12. All 6 members of the Committee shall be present in order to conduct business. If a member is unable to attend, the member may send an alternate for that particular meeting.
13. If the applicant is denied benefits, the educator may appeal such decision in writing within 14 days after notification. The applicant may provide additional information or explanation, and the full Committee will have 14 days to respond to the appeal.

#### H. Absences with Pay

##### 1. Bereavement

###### a. Death and Burial – Immediate Family Members

- 1) Educators may be absent from their assignment without loss of pay for up to five consecutive days in any one instance for the death and burial of husband or wife and/or child of either spouse.
- 2) An educator may be absent from assignment without loss of pay for up to three days for the death and burial of the educator's mother, father, legal guardians, mother-in-law or father-in-law, sibling, brother-in-law or sister-in-law, grandchildren, daughter-in-law, son-in-law, miscarriage or stillbirth.
- 3) An educator may be absent from assignment without loss of pay for up to one day for the death and burial of the educator's grandparents, grandparents-in-law, aunt, aunt-in-law, uncle, uncle-in-law, niece and nephew.

2. Personal Leave – The philosophy and intent of the personal leave is based upon the following:
  - a. Professional educators have a contracted duty to fulfill their assigned duty for a specified number of days each year.
  - b. Personal leave is a privilege educators are given to take care of certain personal and emergency situations which must be accomplished during the school day. Personal leave days are to be used only for the 184 contract days.
  - c. If a personal emergency situation occurs on a non-contract day, non-contract days may be made up. Proposed plans for and verification of make-up will be submitted in writing to the appropriate local committee chairperson prior to stipends being requested.
  - d. Each educator in the District will be granted three days of personal leave per year cumulative to 10 days. If on June 30, the three days personal leave granted the educator causes accumulated personal leave days to exceed 10, the educator will be paid at one-half their current daily rate of pay for each day exceeding 10. The payment will be calculated by the District and paid in July.
  - e. Whenever an educator asserts the option to take personal leave, the educator should notify their principal/supervisor as a professional courtesy.
  - f. An educator with a minimum of 25 accumulated sick days (or hourly equivalent) may make a request to convert up to five days per year to personal leave.
  - g. An educator with fewer than 25 accumulated sick days (or hourly equivalent) may make a request to convert up to three days per year to personal leave.
  - h. To convert sick leave to personal leave an educator must provide a written explanation explaining the need (email is fine) to the Executive Director of Personnel.
  - i. These converted sick leave days cannot be returned to the educator's sick leave account.
3. Other Educational Absences

- a. At the discretion of the Superintendent, personnel may be designated or excused to attend educational meetings or to participate in educational meetings or to participate in educational committee work, and will suffer no loss in pay.

#### I. Absence Without Pay

1. Leaves of Absence – A career educator may apply for a Leave of Absence without salary and insurance. The reasons for granting such leaves will be considered on an individual basis. Leaves of Absences will be granted for a period of one year with the option to request an extension of up to two additional years. Requests for extension must be received by the Personnel Office no later than February 1 prior to the end of the initial Leave Absence.
  - a. Career educators returning from a one year leave of absence will be reinstated to the previously held position or given a school committee interview for available vacant positions at another school for which they are qualified. The interviews will be conducted before interview are opened to outside applicants. Those reinstated shall receive the same status as when the leave was granted, namely: step on the salary schedule, accrued sick leave benefits, insurance and other benefits granted by these policies. Educators desiring to return to employment in the District following a one year leave of absence must notify the Personnel Office in writing, no later than February 1 of the year in which they intend to return.
  - b. Those returning from an extended leave of absence (in excess of one year) will be given professional consideration for available vacant positions. Notice of desire to return from an extended leave of absence must be given to the Personnel Office in writing no later than February 1 of the year they intend to return. Those reinstated shall receive the same status as when the leave was granted, namely: step on the salary schedule, accrued sick leave benefits, insurance and other benefits granted by these policies.
2. Military Leave – Educators employed by the Board of Education who leave for service in the Armed Forces shall be granted a military leave of absence as per federal laws governing such absences. Such absences will be granted without pay.

#### **POSTPARTUM RECOVERY LEAVE BEGINS JULY 1, 2025:**

3. ~~Postpartum Recovery Leave~~

- ~~a. An eligible employee who is full-time may take up to 3 work weeks of paid postpartum recovery leave. The amount of leave for eligible employees who are part-time or who work more than full-time is the prorated amount reflecting the amount by which the employee works less than or more than full-time. This leave is additional to and is not charged against any other type of paid leave the employee has. The leave must be taken beginning with the date of birth unless a health care provider certifies that it is medically necessary to begin the leave earlier. The leave must be used in a single continuous period unless prior written authorization otherwise is given by the Superintendent or the human resources director. This leave is concurrent with FMLA leave. The leave allowance is not increased if more than one child is born from the same pregnancy.~~

~~Utah Code § 53G-11-209(2)(a), (c), (4) (2025)~~

~~Utah Code § 63A-17-511(2)(a)(ii), (4) (2024)~~

- ~~1) An eligible employee shall give the District at least 30 days' notice before the date the employee plans to begin using postpartum recovery leave and before the date the employee plans to stop using postpartum recovery leave unless circumstances beyond the employee's control prevent giving the notice. In that case, the employee shall give the notice as soon as reasonably practicable.~~

~~Utah Code § 63A-17-511(5) (2024)~~

#### 4. Parental Leave

- ~~a. An eligible employee who is full-time may take up to 3 work weeks of paid parental leave in a 12-month period. The amount of leave for eligible employees who are part-time or who work more than full-time is the prorated amount reflecting the amount by which the employee works less than or more than full-time. This leave is additional to and is not charged against any other type of paid leave the employee has. The leave cannot be taken before the date of the event making the employee eligible for the leave and must be taken within 6 months following the date of the qualifying event. The leave may not be used on an intermittent basis unless the District and the employee mutually agree in writing to intermittent use or unless a health care provider certifies that intermittent leave is medically necessary due to a serious medical condition of the child to whom the leave relates. This leave is consecutive to postpartum leave but is concurrent with FMLA leave. The leave allowance is not increased if more than one child is born from the same pregnancy, more than one child is adopted, or the employee is appointed as the guardian of more than one child or incapacitated adult.~~



~~Utah Code § 53G-11-209(2)(a), (c), (4) (2025)~~

~~Utah Code § 63A-17-511(2)(a)(i), (3) (2024)~~

- ~~1) An eligible employee shall give the District at least 30 days' notice before the date the employee plans to begin using parental leave unless circumstances beyond the employee's control prevent giving the notice. In that case, the employee shall give the notice as soon as reasonably practicable.~~

~~Utah Code § 63A-17-511(5) (2024)~~

#### 5. Notice of Leave Benefits

- ~~a. The District shall provide written notice to all employees regarding a qualified employee's right to use postpartum recovery leave and parental leave.~~

~~Utah Code § 53G-11-209(2)(d) (202)~~

#### 6. FMLA or Extended Absences for three or more weeks

- a. 30 days before an anticipated long-term absence
  - 1) Communicate with your principal/supervisor
  - 2) Arrange for your substitute
  - 3) Prepare one week of general lesson plans including materials as needed
  - 4) Communicate with your PLC team
- b. District will help compensate PLC team members for the creation of ongoing lesson plans up to two hours per week during extended absence.
- c. The substitute will receive the Long-Term Sub rate for the duration of the extended absence.

#### J. Sabbatical Leave

1. Sabbatical Leave is provided under the following regulations:
  - a. Sabbatical leave shall be granted only for full-time attendance at an institution of higher education for the purpose of pursuing a graduate degree and/or other

- certification. Payment of one-half salary will be contingent on verification of enrollment and registration for a least 12 quarter hours or eight and one-half semester hours credit each term or an approved full-time internship or apprenticeship for a minimum of two semesters or three quarters.
- b. Applicants must have completed a minimum of six consecutive years of professional experience with the Box Elder School District before being eligible for a sabbatical leave.
  - c. Two sabbatical leaves will be available each year. If one or zero are taken in a given year, Sabbatical Leave shall accumulate to a total of three. No more than three educators shall be absent on sabbatical leave at any one time.
  - d. Applications, made upon forms to be furnished by the Board, shall be filed by February 1 of the year in which the sabbatical leave is to begin. Notification of leave approval shall be given by March 1 of the same year. No person shall be given such leave of absence more than once in seven years. The final selection of those to receive sabbatical leave is to be made by the Superintendent based upon criteria jointly determined by the Association and the Board.
  - e. A person who accepts a sabbatical leave of absence must signify their written intention of returning to the Box Elder School system for one year as part of the sabbatical leave contract. The leave-taking educator shall be reinstated to their previously held position, and upon return, the educator shall be placed in the appropriately gained salary lane (if applicable). They will, however, be placed on the increment step they would have been on if sabbatical leave had not been taken with the following exception:
    - 1) A person taking sabbatical leave and assumes a full-time teaching assistantship (as determined by the university or college attended) will be granted an increment step the same as if they had been employed in the District.
  - f. In case an educator who has taken advantage of sabbatical leave fails to return to service as provided above, all monies received from the Board while on sabbatical leave are to be returned to the Board, including the insurance premiums paid by the Board for the benefit of the educator.
  - g. All educators on sabbatical leave shall be entitled to all insurance benefits provided by the Board at the expense of the Board.

#### K. Attendance at Conventions

1. Leaves of absence, with or without pay, shall be granted for the purpose of attending conventions, workshops, committee meetings, etc., as per the following policy:
  - a. The Superintendent shall build into the annual budget an amount of money not less than \$6,500 for the purpose of sending the district educators to conventions, workshops, committee meetings, etc. Such funds shall be exclusive of funds budgeted for substitute teachers used when such leaves are granted.
  - b. A committee of five persons composed of four educators selected by the Association, two of whom represent elementary education and two of whom represent secondary education and the Superintendent or his designee shall have the responsibility of reviewing applications and making recommendations to the Superintendent and the Board regarding personnel who they feel should attend the conventions, etc.
  - c. Each educator selected to attend a convention shall receive a per diem and/or travel allowance. In the event the educator drives a car, the educator shall receive the current district mileage rate. Other forms of transportation may be utilized as thought best by the committee. The per diem amounts will be reviewed annually by the committee who will make recommendations to the Board of Education for approval.
  - d. The Board shall not give financial support to educators for participation in UEA and NEA conventions.
  - e. If it is deemed advisable, permission may be granted to educators to attend conventions, etc., at their own expense. If such permission is granted, the Board shall pay the cost of the substitute if such is required for the educator.

L. Association Leave

1. The Box Elder Education Association (BEEA) may request leave, not to exceed 15 days per year, for teachers to be absent from their assignment to conduct Association business when it is deemed such leave would directly [promote the interest of] benefit education within the District, and is approved by the Superintendent.
  - a. Request for Association leave shall be submitted, in writing, clearly stating the purpose of the leave to the Superintendent. The final approval regarding requests for leave shall be made by the Superintendent or designee.

- Association representative(s) will be notified of the decision. Requests should be submitted in adequate time to facilitate the approval process. All requests and notifications of approval will be documented and maintained in the Superintendent's office.
- b. The Superintendent or designee shall supervise employees on paid Association leave.
  - c. All paid Association leave shall be reported to and accounted for through the District's leave accounting system. This accounting shall include the costs and expenses of paid Association leave.
    - 1) The first 15 days annually of Association leave directly benefiting education within the District shall be paid out of District funds.
    - 2) Paid leave in excess of 15 days annually, shall be reimbursed at the substitute wage rate to the District by the Association.
    - 3) Association leave for activities that do not provide direct benefit to education in the District, shall be unpaid leave.
  - d. Employees using Association leave may not engage in political activity, including:
    - 1) Actively campaigning for candidates for public office in partisan and non-partisan elections; and
    - 2) Fundraising for political organizations political parties, or candidates.
  - e. Any willful violation of this policy may be used for disciplinary action of the [Box Elder School District Certificated Handbook](#).
2. The BEEA president shall have six days per trimester of released time for the purpose of conducting Association business. The substitute will be paid for by the BEEA. All reporting, accounting, and other restrictions in J.1. above apply to this section also.

#### M. Leave Without Pay

- 1. Educators are expected to act in a professional manner by consulting with their supervisor when they have used all their appropriate leave. In special situations as approved by the supervisor, leave without pay will be approved. In the event an educator misuses leave without pay the educator will pay the substitute

wages which will be deducted from the educator's pay. If this leave without pay is denied by the school administration, it may be appealed to the Superintendent or his designee.