

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS

The term "immediate family" shall include:

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, sibling-in-law.
5. Grandparent and grandchild.
6. Any person 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 natural disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

WORKDAY

A "workday" for purposes of earning use, or recording shall mean the number of hours per day equivalent to the employee's usual work 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 a 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

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

NON-
DISCRETIONARY

1. 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)]
2. Non-discretionary use also includes leave for well-baby care within the first year after birth, adoption, or placement of a child.

USE OF
DISCRETIONARY
LEAVE

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee request to use leave. The supervisor or designee shall,

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however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes. [See DEC(LEGAL)]

DURATION OF
LEAVE

Discretionary paid personal leave may not be taken for more than three consecutive days. Nonpaid leave may be approved in excess of three consecutive days by the Superintendent or designee.

SCHEDULE
LIMITATIONS

Discretionary paid personal leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for state-mandated assessments, professional or staff development days, or during peak absentee periods as determined by the Superintendent or designee. Nonpaid leave may be approved by the Superintendent or designee. If nonpaid leave is approved, the employee will be docked for the absence.

If an employee is absent on any such days due to illness, the employee shall be required to present a doctor's certification. A misrepresentation of an illness shall result in a loss of daily pay for the number of days absent.

LOCAL LEAVE

Employees under the state personal leave program shall earn five equivalent workdays of local sick leave per year with no limit on accumulation, at the same rate of state personal leave. Temporary, part-time employees who submit weekly time sheets shall not earn local leave.

An employee shall not earn leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

When an employee has used more than he or she has earned, the District shall deduct the cost of unearned leave days from the employee's final paycheck for the year or from the last paycheck after the employee ceases to be employed by the District.

Local sick leave shall be subject to the same terms and conditions applicable to state sick leave accumulated prior to the 1995-96 school year, except as provided by this policy.

Local sick leave may also be used for first-year care following the birth or adoption of an employee's son or daughter or the placement of a child with the employee for foster care.

Upon termination, resignation, or retirement, all local sick leave shall be relinquished. Professional, certified employees who qualify may receive a cash benefit [see CASH BENEFITS FOR ACCRUED LEAVE in this policy]; all other employees shall not receive

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compensation for accrued local sick leave. If a former employee is reemployed by the District, local sick leave accrued during any prior employment shall not be reinstated.

USE AND RECORDING

For purposes of personal illness, illness in the immediate family, family emergency, or death in the immediate family, available leave shall be used in the following order:

Earned compensatory time shall be used before any available paid state and local leave. [See DEA]

Unless an employee requests a different order, available paid state and local leave shall be used in the following order as applicable:

1. Local sick leave.
2. State sick leave accumulated prior to the 1995–96 school year.
3. State personal leave.

Employees shall be charged leave as used even if a substitute is not employed.

Leave shall be recorded in whole workdays and half workdays only, except in accordance with provisions for intermittent leave in the Family and Medical Leave Act.

Leave shall not be approved for more workdays than have been accumulated. 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.

AVAILABILITY

Leave for the current year for professional, paraprofessional, and operational support employees shall be available for use as it is earned. For operational support personnel who work 197 days or less and are paid biweekly, three days of leave shall be made available on August 1. One additional day shall accrue each month up to a maximum total of ten days of local sick leave and personal leave days per year.

For operational support employees who work 198 days or more and are paid biweekly, two days of leave shall be made available on July 1. One additional day shall accrue each month up to a maximum total of ten days of local sick leave and personal leave days per year.

MEDICAL
CERTIFICATION

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.

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The District Requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent. A misrepresentation of an illness shall result in a loss of the daily pay for the number of days absent and may serve as the basis for adverse personnel action.

Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. [See DEC(LEGAL)]

BEREAVEMENT
(FUNERAL) LEAVE

Use of state leave and/or local sick leave for death in the immediate family shall not exceed five workdays per occurrence, subject to the approval of the District.

TEMPORARY
DISABILITY LEAVE

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.

Any full-time non-certified employee shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 90 calendar days.

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.

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

FAMILY AND MEDICAL
LEAVE

For purposes of an employee's entitlement to family and medical leave, the 12-month period shall be a rolling 12-month period, measured backward from the date an employee uses family and medical leave. When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

CONCURRENT USE
OF LEAVE

The District shall require employees to use family and medical leave concurrently with paid leave, compensatory time, 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 shall be limited to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks.

INTERMITTENT
LEAVE FOR CHILD
CARE

Use of intermittent family and medical leave shall not be permitted when leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care.

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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, or for military caregiver purposes, 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	If 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.
	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 may 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 receiving workers' compensation income benefits may be eligible for paid or unpaid leave. 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> <p>An employee eligible for workers' compensation wage benefits and not on assault leave shall indicate in writing 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.
LEAVE OF ABSENCE FOR PROFESSIONAL DEVELOPMENT	<p>Leave of absence, without pay, may be granted by the Board to professional employees upon recommendation by the school administration for approved study and approved travel.</p> <p>While the District does not guarantee reemployment following an approved leave of absence, every effort shall be made to return employees promptly to their former jobs or positions of like status and pay. To assist in their placement, teachers should advise their principals or personnel administrators 90 days in advance of the date they wish to report for work assignment. Administrators and</p>

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other supervisory personnel should advise their supervisors or the Superintendent six months in advance of the date they wish to report for work assignment.

CASH BENEFITS FOR
ACCRUED LEAVE

Upon completion of five years of continuous service in the District, a professional certified employee shall have one of the following options, provided the employee has completed all local employment contracts:

1. Receive \$35 per day for each day of accumulated local sick leave at the end of each year. The amount shall be paid in June or July, as appropriate. The number of days paid for each day of accumulated local sick leave shall be deducted from the employee's local sick leave balance. The written request must be received in the Human Resources office no later than the last day of the contract.
2. Continue to accumulate local sick leave without a maximum limit.

Professional, certified employees who terminate their employment with the District must request payment for sick leave concurrent with written notification of retirement or resignation, but no later than the last day of the contract.

Official leaves of absence shall be honored as continuous service.

The purpose of the sick leave bank (SLB) is to provide additional sick leave days to members of the bank in the event of a catastrophic illness or injury. An employee may request days from the SLB only after having been absent five workdays without pay after all accumulated state leave, local leave, and vacation to which he or she is entitled has been exhausted.

DEFINITION OF
SICK LEAVE DAYS
FOR MEMBERS

Sick leave days from the bank must be approved by the District SLB committee. Sick leave days from the bank are granted to a member who, through a catastrophic illness or injury, is unable to perform the duties of his or her position.

DEFINITION OF
CATASTROPHIC
ILLNESS

Catastrophic illnesses are defined as those of a serious nature, not merely a passing disorder or temporary ailment, requiring treatment by a physician and hospital admittance. Although some degree of permanency is usually involved, the disease need not necessarily be incurable or permanent. Illnesses that qualify must be rated 29 or higher on Outlier Threshold in the Federal Register list of Diagnosis Related Groups (DRG). In order to qualify for the benefits of the program, a catastrophic illness or injury must result

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in the employee's temporary or permanent incapacity to perform his or her job functions.

The program benefits are not available in the following circumstances: injuries resulting from or while the employee is intoxicated or under the influence of a narcotic (unless administered on the advice of a physician), attempted suicide, alcoholism, bulimia, anorexia, uncomplicated pregnancy, illness related to chemical dependency, or any preexisting conditions.

DEFINITION OF
PREEXISTING
CONDITION

Preexisting condition is a condition for which the individual received or had recommended medical treatment, diagnosis, consultation, or prescription drugs within 12 months immediately preceding the effective date of his or her enrollment in the CSLB. Leave shall not be granted for a preexisting condition.

ENROLLMENT

All District employees who qualify for sick leave benefits are eligible to participate in the SLB. The enrollment period for current employees shall be concurrent with the benefits enrollment period. New employees must join within 30 days of the 1st day of employment.

Participation is voluntary but requires a contribution of two days of accrued or anticipated local sick leave. Only contributors shall be permitted to use the bank for qualifying illnesses or injuries. Members shall not be required to deposit additional leave in subsequent years unless the bank is in danger of being depleted or the member has been granted leave from the bank. In that event, in order to retain membership, members shall be required to deposit additional days of local sick leave.

Deposited sick leave shall be deducted from the member's local sick leave balance. The two days of local sick leave deposited in the bank become the property of the bank. All deposits shall remain in force and cannot be returned for any reason, even upon cancellation of membership. If a member cancels membership and later wishes to rejoin, a deposit of two days of local sick leave must be made during an enrollment period.

CLOSURE OF BANK

If the bank is depleted of leave without sufficient membership to sustain it, all membership and benefits shall end. Leave deposited shall be forfeited by the members.

BANK YEAR
DEFINED

For bank purposes, the school year shall be from July 1 through June 30. If a member uses two or more days from the bank during this period, two earned days of local sick leave must be deposited by the member the following school year in order to maintain membership. If fewer than two days of leave are used by the member, the number of days actually granted must be deposited in order to

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maintain membership. Failure to repay leave shall constitute a loss of membership and benefits.

PROCEDURES

The bank may only be used for the member's own personal illness or injury. Complications arising from pregnancy and childbirth may be considered on an individual basis when they pose an immediate medical threat to the member.

Bank leave is granted only for absences on regular workdays. Leave shall not be granted for holidays, vacation, or for other such days for which the member is not paid. Leave shall not be granted when a member is on a nonmedical leave of absence or when a member is suspended from duty.

The maximum days an employee may draw from the bank is 25 days per year. A year for calculation purposes is 12 calendar months from the first sick day used from the bank. The approved days from the bank must be used consecutively. The employee may request an extension but only up to the maximum days allowed. Unused days shall be returned to the bank.

SICK LEAVE BANK
COMMITTEE

The governing committee that will approve or disapprove all requests for the sick leave bank shall be called the Keller ISD sick leave bank committee.

The SLB committee shall determine the number of days approved up to 25 days and reserves the right to approve, reject, or modify the days requested.

The decision of the SLB committee may be appealed through the District's established grievance policy. The Level One grievance shall be filed with the committee. The Level Two grievance shall be filed with the assistant superintendent of human resources. The Level Three grievance shall be filed with the Board.

MEMBERSHIP OF
THE SLB
COMMITTEE

The SLB committee shall be composed of members of the bank who have been employed by the District for at least three consecutive years at the time of their election.

The sick leave bank shall be administered by a 13-member committee composed of:

1. Two professionals from the elementary level.
2. Two professionals from the intermediate level.
3. Two professionals from the middle school level.
4. Two professionals from the high school level.
5. One nurse.

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6. One representative from paraprofessional staff.
7. One representative from food service staff.
8. One representative from maintenance or custodial staff.
9. One representative from administration.

The assistant superintendent of human resources or designee shall serve as the advisor to the SLB committee.

TERMS

A member of the SLB committee shall serve for two years beginning October 1 and ending September 30. A member may be reelected and serve for a maximum of two consecutive terms.

VACANCIES

Vacancies on the committee that occur during the school year shall be filled by appointment by the SLB committee. Selection shall be made from the group that was represented by the member who resigned. If a representative cannot be obtained from the group that was represented by the member who resigned, then a member shall be added to serve at large.

WITHDRAWAL OF
MEMBERSHIP
FROM SICK LEAVE
BANK

A member may cancel membership at any time by using the proper form obtained from the sick leave coordinator. The employee shall not be eligible to use the sick leave bank as of the effective date indicated on the signature line of the withdrawal form. Under no circumstances shall the employee regain donated local sick leave days upon withdrawal from membership.

MEMBERSHIP
HANDBOOK

Rules and operating procedures of the catastrophic sick leave bank shall be governed by the sick leave bank membership handbook.