

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

DEFINITIONS

FAMILY

For the purposes of state sick leave accrued before May 30, 1995, and local sick leave, the term "immediate family" shall include:

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 who may be residing 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" shall include only items 1, 2, and 3 on the above list, but shall exclude son- or daughter-in-law, and parent-in-law.

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

An "equivalent workday" for purposes of accumulation, use, or recording shall mean the number of hours per day associated with 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, in equivalent workdays, 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

Under authority of Education Code 22.003 and to preserve the employee's leave entitlement while minimizing disruption to the instructional program, the Board requires employees to differentiate between uses of personal leave:

DISCRETIONARY

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

NON-  
DISCRETIONARY

2. 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)]

DURATION OF  
LEAVE

Discretionary personal leave may not be taken for more than three consecutive days, except in extenuating circumstances as determined by the Superintendent.

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SCHEDULE LIMITATIONS	Discretionary 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, or professional or staff development days. Exceptions to this must be cleared through the Superintendent's office.
ADDITIONAL LOCAL LEAVE	<p>For purposes of local sick leave, the term "immediate family" shall include:</p> <ol style="list-style-type: none"><li data-bbox="560 604 730 640">1. Spouse.</li><li data-bbox="560 661 1364 724">2. Son or daughter, including a biological, adopted, or foster child.</li><li data-bbox="560 745 722 781">3. Parent.</li></ol> <p>All employees shall be entitled to local sick leave equal to one equivalent workday per month of employment minus those days provided under state leave. Local leave may be used for illness or disability, including pregnancy and childbirth, of the employee or for illness or disability of a member of the immediate family (as defined at the list above). For example, employees in positions requiring ten months shall earn five equivalent workdays of local sick leave, employees in positions requiring 11 months shall earn six equivalent workdays, and employees in positions requiring 12 months shall earn seven equivalent workdays. This leave shall be earned concurrently with state leave.</p> <p>Local sick leave shall accumulate without limit beginning the first day of service. Local sick leave shall be taken with no loss of pay.</p> <p>Employees who are not on FMLA and are absent for more than 30 days taken as local leave or extended sick leave must submit a medical certification justifying the need for additional local leave every 30 days. The District may send an employee who is not on FMLA leave to a physician for a second medical opinion after the leave has exceeded 45 days in any school year. The District shall select the medical provider to provide the second medical opinion and shall pay for costs associated with the examination.</p> <p>Failure to provide required certification as set forth in this policy may warrant the leave being denied and/or employment action including termination.</p> <p>An employee who has exhausted all state and local sick and personal leave benefits may be granted by the Superintendent up to 45 equivalent workdays of extended sick leave in the event of an extended absence due to personal illness or accident. The leave request must be accompanied by a physician's statement confirm-</p>

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ing the employee's inability to work, the date upon which the employee has requested the leave begin, and the probable date of the employee's return. The Superintendent may grant the first request of extended leave without a waiting period. Any subsequent requests may be granted by the Superintendent after the employee has been absent for ten consecutive days.

Certified personnel salaries shall be reduced by an amount equal to the ~~minimum substitute teacher pay~~ *cost of the minimum pay for a long term substitute teacher (\$75)*. Auxiliary personnel salaries shall be reduced by an amount equal to one-half day's salary not to exceed that established by the prevailing substitute salary schedule.

Employees who are not on FMLA and are absent for more than 30 days taken as local leave or extended sick leave must submit a medical certification justifying the need for additional local leave every 30 days. The District may send an employee who is not on FMLA leave to a physician for a second medical opinion after the leave has exceeded 45 days in any school year. The District shall select the medical provider to provide the second medical opinion and shall pay for costs associated with the examination.

Failure to provide required certification as set forth in this policy may warrant the leave being denied and/or employment action including termination.

For full-time employees, if the illness or accident results in absences beyond the 45 workdays, a leave for temporary disability, if applicable, may be requested as provided for in this policy. [See TEMPORARY DISABILITY.]

Extended sick leave days shall not be subject to the workers' compensation offset provision found in this policy.

LOCAL PERSONAL  
BUSINESS LEAVE

A total of three equivalent workdays per year, accrued at a rate of one-half day for each calendar month worked up to the annual three-day maximum, shall be granted to each employee for personal matters that require absence during school hours.

Application must be submitted to the principal or immediate supervisor for approval at least five workdays before taking such leave, except in cases of emergency. These days 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 assessment tests, or professional or staff development days. Exceptions to this must be cleared through the Superintendent's office.

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Any days not used each year shall be brought forward as accumulated local sick leave. Personal business leave shall be granted with full pay.

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:

1. Local sick leave, if applicable.
2. State sick leave accumulated prior to the 1995-96 school year.
3. State personal leave.
4. Local personal business leave.
5. Extended sick leave, if applicable.

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.

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 or when coordinated with workers' compensation benefits as provided in this policy.

AVAILABILITY

Leave shall not be approved for more workdays than have been accumulated in prior years plus those to be earned during the current year. Leave for the current year shall be available for use at the beginning of the school year. When an employee who has used more leave than he or she had accumulated ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.

OTHER ABSENCES

Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided. [See DMD(LOCAL)]

MEDICAL  
CERTIFICATION

An employee absent more than five consecutive workdays because of personal illness shall submit, upon return to work, a medical certification of illness and of his or her fitness to return to work. An employee absent more than three consecutive workdays because of illness in the immediate family shall present, upon return to work, medical certification of the family member's illness.

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HEALTH CARE  
PROVIDER

In the event the employee's serious health condition or that of an immediate family member prohibits the employee from returning to work, and after 30 days of absence, the employee shall provide medical certification of the illness or disability and shall continue to provide certification at 30-day intervals for the remainder of the absence.

FAMILY AND MEDICAL  
LEAVE

The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave shall be defined as the 12-month period beginning on the first duty day of the school year.

CONCURRENT USE  
OF LEAVE

The District shall require employees to use family and medical leave concurrently with paid leave and with temporary disability leave, if applicable.

COMBINED LEAVE  
FOR SPOUSES

If both spouses are employed by the District, combined family and medical leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks as determined by the needs of the District.

INTERMITTENT  
LEAVE FOR CHILD  
CARE

Use of intermittent family and medical leave shall not be permitted for the care of a newborn child or upon the adoption or placement of a child with the employee.

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, the employee shall provide medical certification of the illness or disability.

Employees must submit recertification for FMLA leave every 30 days. If any employee suffers from chronic or long-term conditions under continuing supervision of a health care provider, the District may require certification no more often than every 30 days unless the circumstances described by the previous certification have changed significantly or the District received information that casts doubt upon the employee's reason for absence.

The District may require a second certification (chosen and paid for by the employer). This second opinion shall not be obtained from a health care provider who is employed on a regular basis by the District. If the second opinion differs from the original certification, the District may require that the employee obtain a third opinion. The third opinion is considered final and binding on both the District and the employee.

MEDICAL RELEASE

The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.

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TEACHER REINSTATEMENT	A teacher desiring to return to work at or near the conclusion of a semester shall be reinstated in accordance with the END-OF-TERM LEAVE section in DEC(LEGAL).
RESIGNATION	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 shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.
TEMPORARY DISABILITY LEAVE	<p>The District has extended availability of temporary disability leave to all full-time employees. The maximum length of temporary disability leave for full-time employees shall be 180 calendar days.</p> <p>The Superintendent shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent in consultation with the physician who has performed the medical exam, the employee's condition interferes with the performance of regular duties. [See DBB(LOCAL)]</p>
JURY DUTY	<p>An employee shall be granted leave with pay and without loss of accumulated leave for jury duty. The employee shall be required to present documentation of the service and shall be allowed to retain any compensation for this service. Employees duly summoned as witnesses in other judicial proceedings in which they are not designated parties in the litigation shall also receive full pay while in that service. A copy of the summons shall accompany all requests for judicial leave.</p> <p>Any request for judicial leave in excess of three days per year must be submitted to the Superintendent for approval within three working days of its receipt by the employee.</p>
OTHER COURT APPEARANCES	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.
WORKERS' COMPENSATION	An employee receiving workers' compensation wage benefits shall be assigned to family and medical leave, if applicable. The employee shall inform the appropriate administrator whether he or she chooses to use available paid leave while receiving workers' compensation wage benefits. [See CRE(LEGAL)]
PAID LEAVE OFFSET	An employee who chooses to use paid leave shall have his or her weekly workers' compensation wage benefits supplemented up to the pre-injury regular weekly wage. The District shall charge the employee's leave proportionately until the available leave is exhausted. [See CRE(LEGAL)]

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REIMBURSEMENT AT  
RETIREMENT

Upon retirement with the District, a professional employee with a minimum of ten years of service shall receive a pay-out benefit of \$100 per day for local sick leave and state leave. A professional employee, resigning after a minimum of ten years with the District, shall receive a pay-out benefit of \$50 per day for local sick leave.

Upon retirement with the District, an auxiliary employee with a minimum of ten years of service shall receive a pay-out benefit of \$50 per day for local sick leave and state leave. An auxiliary employee resigning after a minimum of ten years with the District shall receive a pay-out benefit of \$25 per day for local sick leave.

SICK LEAVE BANK

The catastrophic sick leave bank (CSLB) is a bank of local sick leave days established on a voluntary basis by full-time District employees to be used by any contributing member of the bank who suffers a catastrophic personal illness that extends beyond his or her accumulated sick leave.

The CSLB is administered by the employee benefit advisory committee representing all classifications of eligible employees. The committee shall have the responsibility of approving membership, receiving requests for the use of the bank, verifying the validity of requests, recommending approval or denial of the requests, and communicating its decision to the member and to the personnel department.

All full-time employees of the District may join the local sick leave bank by contributing one day of local sick leave. Members should be aware of the disposition of accumulated days. All unused sick leave days in the bank on June 30 shall be carried over to the next school year. If the bank has a 500-day balance on June 30, the committee shall declare a dividend for all continuing members in the bank. For example, members from the last school year shall be granted membership for the following school year without contribution of an additional local sick leave day.

It is understood that employment with the District is required for membership. New personnel and those wishing to rejoin the bank after the absence of a year or more may do so by contributing one day of local sick leave during the enrollment period. The enrollment period for the catastrophic sick leave bank begins on the first working day of July and concludes with the end of the last working day of August. Membership applications must be returned no later than that date.

All applications for use of days from the bank shall be submitted within 30 workdays of diagnosis of illness or accident or within 30 workdays of the use of the employee's last sick day. Applications shall be submitted to the committee for action. All decisions of the

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committee shall be final. Rejected applications may not be resubmitted.

At no time may more days be granted by the committee than are actually in the bank or than were actually missed by the employee. Each application shall be limited to units of 25 workdays, with a per year maximum of 100 days.

EXCUSED ABSENCE

One equivalent workday per year may be granted to any employee of the District as an excused absence. Requests for such absences must be submitted to the employee's immediate supervisor for approval at least five working days prior to the anticipated absence.

Approval of such request shall be considered on an individual basis in light of the needs of the District. The excused absence shall be granted without pay and is noncumulative.

PROFESSIONAL  
LEAVE

Up to three equivalent workdays per year may be granted by the Superintendent to an employee for professional leave if it can be demonstrated that a valid school-related purpose will be accomplished. Requests for released time shall be considered on a case-by-case basis and responsibility for establishing the school-related purpose shall rest with the employee. Professional leave is noncumulative and is granted with full pay. [See DMD(LOCAL)]

LOCAL LEAVE  
DONATION PROGRAM

The local leave donation program is available to employees for personal illness as well as for illness of the employee's immediate family as defined by the Family Medical Leave Act (FMLA).

Certified employees of the District are eligible for the local leave donation program. This leave benefit, under procedures developed by the Superintendent, allows certified employees who have accrued more than 15 days of local leave to transfer a designated number of their local leave days to another certified employee who has exhausted all accrued leave and is authorized to receive the donation. The number of days donated shall not reduce the employee's local leave balance to fewer than 15 local days. The recipient of the days must be without any accrued leave for a minimum of 15 days prior to receiving donated days.

Donated days shall be used for the recipient one at a time as needed. Any sick leave days donated and not used by the receiving employee shall be removed from the receiving employee's leave upon his or her return to work.

Auxiliary employees of the District are eligible for the local leave donation program. This leave benefit, under procedures developed by the Superintendent, allows auxiliary employees who have accrued more than 15 days of local leave to transfer a designated



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number of their local leave days to another auxiliary employee who has exhausted all accrued leave and is authorized to receive the donation. The number of days donated shall not reduce the employee's local leave balance to less than 15 local days. The recipient of the days must be without any accrued leave for a minimum of 15 days prior to receiving donated days.

Any sick leave days donated and not used by the receiving employee shall be removed from the receiving employee's leave upon his or her return to work.