

## **LEAVES**

The District believes that the regular attendance of employees is vital to the success of the District's educational program. Accordingly, employees are expected to report to work every day. However, the District does recognize that certain absences may be unavoidable. Therefore, employees may be eligible for the following leave based on their respective employment contract or the applicable collective bargaining agreement (CBA).

### **1. Annual/Personal Leave Accrual**

Annual and Personal Leave accruals are outlined in each collectively bargained agreement and/or individual employment contract.

An employee requesting annual/personal leave must enter the leave request into the employee attendance management system as soon as possible, and notify their respective administrator or manager/supervisor/lead as applicable.

### **2. Sick Leave**

An employee requesting sick leave for five consecutive days or fewer must enter the leave request into the employee attendance management system as soon as possible, and notify their respective administrator or manager/supervisor/lead as applicable.

Sick Leave accruals are outlined in each collectively bargained agreement and/or individual employment contract.

Employees will be required to use sick leave concurrently with FMLA leave.

Abuse of sick leave may be cause for disciplinary action, up to and including termination. If abuse is suspected, substantiating evidence which may include, but is not limited to, a certificate from a health care provider may be required.

An employee on sick leave over five consecutive days shall notify the administrator or manager/supervisor as soon as the employee is able to return to work (RTW). An employee returning from an extended absence shall give as much advance notice of return as possible. The District may also require a statement from a licensed health care provider certifying the employee's fitness to RTW as listed in the *Procedure* section below.

#### **A. Procedure**

##### **i. Leave Approval**

An employee shall complete an appropriate leave request form as soon as the need for a leave is known and if the leave will be for more than five days. The District shall determine whether to approve the requested leave.

**ii. Notification**

Any employee who is ill or unable to report to work for any reason shall notify the administrator or manager/supervisor as soon as possible before their normal work reporting time. In the event of a continuing illness, the employee shall continue to notify the administrator or manager/supervisor of their condition on a daily basis or at appropriate intervals authorized by the administrator or manager/supervisor. The District may deny sick leave requests which are not in compliance with this policy or the CBA.

**iii. Health Care Provider's Certification**

The District may require an employee who has been absent using sick leave for themselves or family to provide a medical health care provider's statement certifying that the illness/injury incapacitated or affected the employee from performing assigned duties, or that the absence was necessary for the employee or family member to make full and timely recovery, or was appropriate to avoid the spread of a contagious disease. The statement may also certify the employee's fitness for RTW. A health care provider's statement is required when specifically requested by the administrator or manager/supervisor. Whenever an employee qualifies for FMLA leave, the employee is required to submit to the District the Certification of Health Care Provider form referenced in the *Family and Medical Leave Act* policy.

**3. Leave of Absence Without Pay**

The District may approve leaves of absence without pay up to one year according to applicable CBAs and extenuating circumstances. Such leave may be extended at the sole discretion of the District. Exceptions for leave may be provided as required by law. The District will require the use of all accrued paid leave prior to granting leave without pay.

Employees on approved leave of absence without pay may continue their medical, dental, and vision insurance coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit continuation regulations, or as required by laws or statutes, or as permitted by the applicable CBA.

Employees on approved leave of absence without pay are required to RTW on the first workday following the end of leave at their regularly scheduled time. An employee who does not return from a leave of absence without pay on the first workday at the regularly scheduled time following the end of a leave will be considered to have resigned.

The District may require a health care provider's certification or other appropriate type of verification to substantiate a need for a medical leave of absence without pay. The District may also require a statement from a health care provider certifying the employee's fitness to RTW no later than the date of return.

Employees on unpaid leave will not accrue any leave benefits. The District's paid insurance benefit will cease at the end of the month on which the employee went on unpaid leave.

#### **4. Court Leave for Jury Duty or Serving as a Witness on Behalf of the District**

Court leave will be granted to allow employees to serve as a juror or as a witness in a court proceeding on behalf of the District, provided that neither the employee nor the employee's collective bargaining representative is a party to the action. Employees shall provide their administrator or manager/supervisor with relevant documents verifying the need for court leave as soon as the need becomes known.

Eligible employees shall be compensated for court leave subject to the following conditions. Casual, seasonal, or temporary employees will be granted time off without pay for jury duty. Casual, seasonal, or temporary employees serving as a witness on behalf of the District will be paid their hourly rate based on their normal work schedule.

- A. The employee's base rate of pay shall be limited to compensation for court and travel time which occurs during the employee's regularly scheduled hours of work. Court leave will not result in payment of overtime or be considered as hours worked for purposes of determining eligibility for overtime.
- B. Upon completion of jury/court/witness service for which the employee received regular pay, the employee will immediately forward any compensation received from the court or other party to the District upon receipt. Reimbursements received for out-of-pocket expenses, such as meals, mileage, and lodging, may be kept by employees unless the District has reimbursed the employee for such expenses or such expenses were paid by the District.
- C. An employee shall not receive pay for the work time missed if the employee is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against the District. However, the employee may choose to use accrued personal or annual leave.

An employee who is serving as a witness and is not required to report to court until after the start of their workday or who is released from court before the end of the scheduled workday shall report to work for the hours which are not required for court duty or for related travel time.

Employees who are required to report to jury duty will not be required to work eight hours prior to reporting. If the employee's service lasts four hours or more, including time going and returning from court, the employee will not be required to work between 5 p.m. of the day of the jury duty and 3 a.m. the following day per NRS 6.190.

## 5. Military Leave under Federal Law

Employees who are members of the uniformed services are entitled to military leave and to reemployment rights as provided under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or nations emergency. The Army National Guard and Air National Guard are also covered.

### A. Notice and Notification

The District will provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This requirement may be met by posting the notice where the District customarily places notices for employees. The District may require written (orders) or verbal notice of service obligation, but will waive the requirement if notice is impossible or unreasonable.

### B. Compensation and Benefits

#### i. Leave Without Pay

- The District will treat the employee the same as any other employee on leave without pay.
- The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.

#### ii. Health Insurance

- *Service 30 days or less:*
  - There is no impact to the employee's insurance coverage, including life insurance that is included in the health insurance package. During the 30-day time period, the District and employee premium payments or obligations, if any, remain unchanged.
- *Service more than 30 days:*
  - There is no impact to the employee's insurance coverage, including life insurance, that is included in the health insurance package while employees are in paid leave status; the District and employee premium payments or obligations, if any, remain unchanged.
  - Employees on approved leave without pay may continue coverage similar to that required by the Consolidated Omnibus Budget

Reconciliation Act (COBRA) for up to 24 months or until the date of timely reemployment, whichever is shorter and as outlined in the “leave without pay” (see Reemployment section above below). The District will reinstate coverage upon the employee’s prompt reemployment without the imposition of exclusions or waiting periods.

iii. Seniority

- An employee is entitled to the seniority (and rights and benefits governed by seniority) accrued at the commencement of military leave plus any additional seniority rights and benefits that the employee would have attained if the employee had remained continuously employed (the “escalator principle”). However, as a probationary period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of probation upon reemployment. The District will count time served for the purpose of determining annual and sick leave accrual rates. Additionally, the District will must count time in the military when determining the employee’s rate of pay. The employee will not accrue annual or sick leave during the absence. The “escalator principle” will be applied to a returning employee’s opportunities to take promotional examinations or skills tests, and to merit pay increases.

iv. Retirement

- Time served will be counted as work time for purposes of retirement. The District must make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work and makes any required employee contributions within certain timeframes, if applicable (See 20 C.F.R. §§ 1002.259-1002.267). The District contribution will be based on the rate of pay the employee would have been paid had they not been called to military service (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.

v. Death or Disability

- If an employee does not return to work due to death or disability, the survivor or disability benefit is treated as if the employee had been working until the date of the death or disability. The District will make the retirement contribution up to the date of the death or disability.

vi. Other Leave

- The District will count time served in the military when calculating the employee’s Family Medical Leave Act (FMLA) eligibility.

## vii. Reemployment

- An employee has certain report-to-work obligations following military service. Eligible returning service members will be promptly reemployed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:
  - a. *Service of one to 30 days*: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
  - b. *Service of 31 to 180 days*: Application for reinstatement must be submitted not later than 14 days after completion of military duty.
  - c. *Service of 181 or more days*: Application for reinstatement must be submitted not later than 90 days after completion of military duty.
- The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the District will make reasonable accommodations for the disability.
- Employees will be reinstated to the position they would have attained if continuously employed during their absence (the "escalator position"), with the same seniority, status, and pay, and other rights and benefits determined by seniority. This may include a higher position if the employee would have been promoted during the leave, or a different position if the former job was eliminated. The District will provide necessary training or retraining to qualify the employee for the escalator position, if needed, unless doing so would be an undue hardship.
- Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same District. Time spent in National Guard and reservist training does not count towards the five-year period.

## viii. Discharge

- If time served is greater than 30 days but less than 181 days, an employee may not be discharged within 180 days of reemployment, except for just cause. If time served is greater than 180 days, an employee may not be discharged for one year, except for just cause.

**6. Military Leave under Nevada Statute**

Public officers and/or employees who are active members of the United States Army Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, or the Nevada National

Guard are entitled to leave to serve under orders including, without limitation, orders for training or deployment, as provided in NRS 281.145.

Upon ~~employee's or public officer's~~ request, the District will relieve the employee or public officer of duties with pay to serve under military orders for training or deployment for a period of not more than the number of hours equivalent to 15 working days in a 12 month period.

The District is not required to pay the public officer's or employee's salary/pay after 15-working days (or hours equivalent).

Public officer's or employee's accrued vacation time may not be deducted during the leave. If a public officer or employee requests additional time beyond 15 working days, the public officer or employee may choose to use annual applicable accrued leave and compensatory time off, if any, before going on leave without pay. The District will treat the public officer or employee the same as any other employee on leave without pay.

The 12-month period designated by the District in number 1 above is July 1st through June 30th.

As provided in NRS 412.139, the District may not terminate a member of the Nevada National Guard or National Guard of another state who is employed in this state because the member assembles for training, participates in field training, is ordered to active service, or otherwise meets as required.

## **7. Leave of Absence for Search and Rescue Volunteers**

### **a. Notification**

Employees who are volunteer members of a search and rescue or reserve unit of a sheriff's office or the Nevada wing of the Civil Air Patrol (and employees who wish to join such a patrol or unit) must disclose such membership or desire to their supervisor and the Human Resources Department.

Employees requesting leave to participate in training or to respond to an emergency mission of the Civil Air Patrol must provide the District:

- Certification that the employee has been authorized by the U.S. Air Force, the Governor or a political subdivision of the State to respond to or train for emergency missions, and
- Verification from the Civil Air Patrol of the emergency need for their service.

### **b. Duration of Leave**

An employee who is a volunteer member of the Nevada Wing of the Civil Air Patrol is entitled to unpaid leave of absence without loss of position, seniority, accrued leave, or benefits each federal fiscal year (October 1 – September 30) as follows:

- Up to 10 days when engaged in training for emergency missions as a Civil Air Patrol volunteer, including search and rescue and disaster response activities, and
- Up to 30 days for responding to an emergency mission.

As used in this section, “emergency mission” is defined without limitation as search and rescue and disaster response activities.

Employees may elect to substitute applicable accrued leave for unpaid leave as approved by the Superintendent or designee.

**c. Extension of Leave**

Except as provided in the *Duration of Leave* section above, volunteer participation in reserve units or Civil Air Patrol units during the employee’s normal working hours is not permitted, unless approved by the Superintendent or designee.

**78. Disaster Area Declaration**

“Disaster Area” is defined as a designated area affected by an event declared to be a disaster by a state or federal governmental agency duly authorized to make such designation. Non-exempt employees who are unable to report to work due to a disaster may use applicable accrued annual leave or compensatory leave time, if any, as compensation for scheduled time not worked. Exempt employees who are unable to report to work due to a disaster shall use accrued personal or annual leave as compensation for scheduled time not worked.

Employees shall make every effort to report to work as soon as is reasonable under such conditions, provided the District’s operation is open and functioning. An employee who has made such an effort, yet fails to report to work under such declared “disaster” conditions, shall not be subject to discipline. Employees shall make every effort to report their circumstances to their immediate supervisor.

**8. Blood Donor Leave**

Employees may be granted reasonable time off during their normal work schedule for the purpose of donating blood when participating in a District-sponsored or supported blood donation drive. All such absences shall be scheduled with the employee’s supervisor. In no event shall an employee be eligible for overtime as a result of donating blood.

**9. Employee of the Year**

When an employee is honored as “Employee of the Year” by the District, they will receive their birthday off as a special vacation day for the two (2) birthdays following receipt of the award. If their birthday falls on a weekend day, they will receive the Friday or Monday closest to their birthdate off. If their birthday occurs during a vacation period or other time when the employee is not working, the day off can be shifted by 6 months to fall within their work period. The day off can also be shifted to any more convenient day with the approval of the administrator or manager/supervisor, or the Executive Director of Human Resources.

**LYON COUNTY SCHOOL DISTRICT  
BOARD POLICY**

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**GBCA**

**References:** Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), NRS 6.190; 281.145; 391.180; and 412.139

Policy #GBCA  
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