

Purpose

The purpose of this policy is to describe the circumstances under which employees may be absent from duty. This policy addresses leave entitlements provided by state law, leave entitlements provided by local policy, and leave entitlements provided by the Family and Medical Leave Act (FMLA). Some leaves are paid and some are unpaid. Additionally, some types of leave must be taken concurrently. This policy explains the process for reporting absences, taking leave, recording leave, and returning from leave.

[The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.](#)

Definitions

Family

For the purposes of local sick leave and state sick leave accrued prior to May 30, 1995, the term "immediate family" means:

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

To confirm family relationship, the District may require the employee using leave to provide reasonable documentation, such as a child's birth certificate, a court document, a sworn statement from the employee, or other pertinent documentation.

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.

Leave Day

A "leave day" for purposes of using or recording leave shall mean the number of hours per day equivalent to the employee's usual work 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.](#)

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<u>Daily Rate of Pay</u>	<u>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.</u>
<u>Catastrophic Illness</u>	<u>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 earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery, including in-patient care, or are expected to result in disability or death.</u>
Reporting Absences	<p>Employees shall notify their supervisors as early as possible when they will be absent or late. Employees must follow District and campus/departmental procedures to report or request any leave of absence, and they must submit required forms by the specified deadline. An employee who both fails to report for duty and fails to notify his or her supervisor of the absence shall be subject to discipline. An employee who is absent without leave for three consecutive days and who fails to contact his or her supervisor shall be subject to termination.</p> <p>Unauthorized or excessive absences or repeated late arrivals may result in discipline, including termination.</p>
State Personal Leave	<p>Under current state law, each employee shall receive five days per year of "personal" leave with no limit on accumulation. Employees may use this leave for any purpose, subject to the procedures in this policy.</p>
Benefits under Current Law	
Benefits under Pre-1995 Law	<p>Under the state law that existed prior to May 30, 1995, employees earned sick leave that could be used only for employee illness, immediate family illness, family emergency, or death in the immediate family. The prior state law did not permit leave for personal business. Employees who desire to use accumulated leave under the prior law may use such leave only for employee illness, immediate family illness, family emergency, or death in the immediate family.</p>
Rate of Accrual	<p>The District shall make state personal leave for the current year available for use at the beginning of the school year. For employees who work full-time, no more than five days shall be earned in any one school year. For employees who work part-time, days shall be earned based on the percentage of days worked in any one school year.</p>

If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, 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.

Local Leave

All persons employed by the District who make contributions to the Teacher Retirement System of Texas (TRS) and retirees who work more than 0.5 FTE shall earn an additional five, six, or seven equivalent workdays of local sick leave per school year based on the number of days an employee works [and in accordance with administrative regulations](#).

An employee shall not earn any form of local leave when he or she is in unpaid status. Full or proportional paid leave shall be considered to be in paid status.

If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, local sick leave shall be prorated based on the actual time employed and receiving a paycheck.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for local sick leave the employee used but had not earned as of the date of separation.

Local sick leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year. [See DEC(LEGAL)]

Local leave shall accumulate without limit and shall be taken with no loss of pay.

Availability

Leave shall not be paid for more workdays than have been accumulated by the employee in prior years, plus those advanced during the current year. Leave for the current year shall be available

- Deleted: Contract Days
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- Deleted: If an employee who works less than 1.0 FTE, the amount of local leave shall be adjusted accordingly.

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for use at the beginning of the school year. Any unapproved absences or absences beyond accumulated or available paid leave shall result in deductions from the employee's pay.

If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's final paycheck.

Local Leave Not
Reimbursable

Other than for retirement under the conditions specified in this policy, an employee shall not be reimbursed for unused local leave when the employee resigns or is terminated. An employee who leaves the service of the District to enter military service shall be allowed to retain accumulated local leave provided the employee resumes employment with the District within one year of discharge from active military service. All other employees who leave the service of the District for reasons other than stated above shall forfeit any accumulated local leave. The District shall consider exceptions in the following circumstances, upon request of the employee:

1. The employee was involuntarily terminated due to a shortfall in state or local funding and has been rehired within 15 months of the date of termination.
2. The employee was involuntarily terminated due to a financial exigency that required a reduction in personnel and has been rehired within 15 months of the date of termination.
3. The employee was involuntarily terminated due to a cessation of federal, grant, or other external funds and has been rehired within 15 months of the date of termination.

The employee's request for consideration shall be made within 30 days of the date of rehire.

Reimbursement at Retirement

An employee who is eligible to retire under the state retirement system, who selects the retirement system annuity options available, and who has been employed by the District for five consecutive years of creditable service as defined by TRS at the time of retirement shall be reimbursed for each day of unused local sick leave at a rate based on a percentage of the employee's average salary over the 10 continuous years preceding retirement. For eligible employees retiring with fewer than 10 years of consecutive creditable service, the rate shall be calculated on a 10 year average, with a salary of zero used for each year of service short of 10 years. Salary for this calculation shall include base salary plus position pay and career ladder as approved in the District's salary schedule. The percentage of salary reimbursed may vary with the employee's age and years of service. The maximum number of

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days eligible for reimbursement shall be determined by the position held with the greatest number of days in the past two years. The maximum number of days paid shall be as follows:

Contract Days	Maximum Local Leave Paid
Less than or equal to 200	100
201-223	110
224 or more	120

The following chart shall determine rates of reimbursement:

Years of Service with the District	Age	Percent of Salary Service Reimbursed
30	50+	100
20-29	50+	90
10-19	50+	80
5-9	50+	70

[Reimbursements at retirement or death prior to retirement shall be made in accordance with administrative regulations.](#)

4.

Recording and Applying Leave

Prioritizing Use of Local Leave, State Leave, and Other Paid Leave

Recording

In the event of personal illness, illness in the immediate family, family emergency, or death in the immediate family, an employee who has accumulated state and local leave days, other paid leave, and compensatory time may choose the order in which he or she wishes to use leave. The designation must be made in writing on the appropriate form at the time of the leave. If the employee does not make a timely designation, then the District shall charge the employee's absences in the following order: compensatory time (nonexempt employees only), vacation, nonduty days, local sick leave, state sick leave, and state personal leave. Accrual of compensatory time is addressed in DEA(LOCAL).

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

Exempt employees shall be charged leave in increments of quarter days. Nonexempt employees shall be charged leave in increments of quarter hours.

Different rules shall apply to FMLA intermittent leave. [See Intermittent Leave, below]

Deleted: The employee must submit proof of retirement prior to reimbursement for unused local sick leave. Reimbursement for unused local sick leave shall be made no later than eight months after the date of retirement. Beginning May 1, 2002, the District shall make such reimbursements in the form of contributions to retirement plans established under Internal Revenue Code Sections 457(b) and/or 403(b) under the following conditions. Such contributions shall be nonelective. Employees who qualify to receive reimbursement through retirement plans shall have no discretion to receive such contributions directly.¶ Reimbursements shall be made in accordance with the rules listed below:¶ Amounts of less than \$5,000 shall be paid directly to the employee.¶ Employees under age 55 shall receive reimbursement directly to the employee.¶ Employees age 55 or older who are entitled to reimbursements of \$5,000 or more shall receive reimbursements in the form of contributions to the retirement plans.¶ If reimbursement is in the form of a contribution to the retirement plans under this policy, then such contribution shall be contributed first to the 457(b) plan. If the amount of the reimbursement exceeds the federal contribution limit applicable to the 457(b) plan, then the amount in excess of the limit shall be contributed to the 403(b) plan. If the amount of the reimbursement exceeds the federal contribution limit applicable to the 403(b) plan for the plan year in which the contribution is made, then the amount in excess of the limit shall be contributed to the 403(b) plan under a post-retirement arrangement for up to five years following the date of the employee's retirement, as provided by federal tax law. In the event that the reimbursement amount exceeds all limits applicable to the 457(b) and 403(b) plans, then any amount in excess of these limits shall be paid to the employee directly.

Deleted: Reimbursement If Employee Dies Prior to Retirement¶ If an employee who was employed by the District for five consecutive years of creditable service as defined by TRS and was eligible for retirement under TRS dies prior to retirement, the employee's beneficiary shall be reimbursed for the employee's unused local sick leave at the rates established above. The employee's beneficiary shall be identified as the same beneficiary identified in the District-provided life insurance policy. If the employee is not covered by the District-provided life insurance policy or if the employee has not designated a beneficiary, payment shall be made to the employee's estate.¶ Eligibility for retirement shall be determined by either notification received by the employee's beneficiary from TRS or the employee's retirement eligibility status based on TRS retirement guidelines.¶

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Absences When No Paid Leave Is Available	An employee who is absent but has no accumulated leave shall be docked the daily rate of pay for each day of absence, unless a specific Board policy provides otherwise. [See for example, DMD(LOCAL), pertaining to absences related to professional development.]
Discretionary and Nondiscretionary Use of Personal Leave	To minimize disruption to the operation of the District, the Board imposes restrictions on the use of leave for events that are reasonably foreseeable.
<i>Nondiscretionary</i>	Nondiscretionary leave shall be used for the same reasons as state sick leave accumulated prior to the enactment of state personal leave on May 30, 1995: personal or family illness, family emergency, or death in the immediate family [see DEC(LEGAL)]. The use of accrued, nondiscretionary personal leave or of accumulated sick leave shall not be withheld from an employee. However, an absence in excess of five days due to illness or injury shall require certification of a health-care provider.
<i>Discretionary</i>	Discretionary leave shall be taken at the individual employee's discretion. For this type of leave, it is usually possible to plan or schedule in advance.
Restrictions on Use of Discretionary Leave	The following restrictions shall apply: <ol style="list-style-type: none">1. Discretionary personal leave shall not be taken without written authorization from the employee's supervisor and an advance notice of a minimum of two workdays. Employees should confirm a substitute for their absence if a substitute is required.2. Discretionary personal leave shall be granted on a first-come, first-served basis, provided that no more than 10 percent of the employees on a campus or in a department are absent on the same date.3. Discretionary personal leave may not be taken for more than five consecutive days.4. Campus instructional employees may not use discretionary personal leave on the following days: scheduled District staff development days, the first or last day of a grading period, the first day of a semester, the last day of a semester, days scheduled for state-mandated tests (main administration dates), or days scheduled for end-of-semester or end-of-year examinations (secondary schools only).
Other Employment While on Paid Leave	Employees who use local sick leave, state sick leave, or state personal leave to cover an absence may not work for other employers inside or outside the District while absent. The prohibition on outside employment includes working as a consultant. Employees

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who violate this policy shall be subject to termination in accordance with District termination procedures.

Bereavement Leave

Use of state personal leave, state sick leave, and/or local sick leave for death in the immediate family shall not exceed five work-days per occurrence. In circumstances where the employee needs more than five workdays, additional time may be approved through a short-term leave of absence.

Leave for Court Appearances and Compliance with Subpoenas

An employee who receives a subpoena or court order to appear in a legal proceeding (civil, criminal, legislative, or administrative) shall provide a copy of the subpoena or court order to his or her supervisor in a timely manner. The leave shall be with pay and without loss of accumulated leave.

An employee shall be granted leave with pay and without loss of available paid leave when the employee is a defendant in a lawsuit based on actions taken in the course and scope of his or her employment with the District and the employee is requested by the District's attorneys to participate in activities or proceedings related to the defense of the suit. An employee who is not a party to a lawsuit involving the District shall be granted leave with pay and without loss of available paid leave when the employee is requested by the District's attorneys to participate in activities or proceedings related to the defense of the suit.

Litigation-related absences and court-related absences due to an employee's personal business may be deducted from the employee's personal leave or compensatory time, when available. If no paid leave is available, the leave shall be taken by the employee as leave without pay. "Personal business" as used in this paragraph refers to an employee's voluntary participation in litigation activities, such as attending a deposition in one's own lawsuit, meeting with one's own personal attorney, or attending legal proceedings to support a relative.

Leave for Jury Duty

The employee shall notify his or her supervisor as soon as practical after receiving a jury summons. The employee shall be required to present official documentation establishing the dates of jury service to his or her supervisor. An employee shall be granted leave with pay and without loss of accumulated leave for jury duty.

Mental Health Respite for Peace Officers and Telecommunicators

Commissioned peace officers employed by the District as police officers pursuant to CKEA(LOCAL) and full-time telecommunicators are eligible for mental health respite following a traumatic event in the scope of employment with the District under the circumstances and in the amount listed in DEC(REGULATION). Mental health respite for District police officers and full-time telecommunicators under this provision is provided without a deduction in salary or other

leave and with the maximum amount of confidentiality possible in order to effectuate the leave.

**Communicable
Disease Leave for
Peace Officers**

Commissioned peace officers employed by the District as police officers pursuant to CKE(LOCAL) are eligible for isolation leave if the officer is:

1. Known to be exposed to and contracts a communicable disease defined as a notifiable condition by the Texas Department of State Health Services in Title 25 of the Texas Administrative Code Section 97.3 while in the scope of employment with the District; and
2. Excluded from work by the chief of police or ordered to isolate by the Harris County Public Health Department as a result of contracting the communicable disease.

The isolation leave for District police officers under this provision is provided without a deduction in salary or other leave.

Police officers who are exposed to a communicable disease as described above and are excluded from work by the chief of police or ordered to quarantine by the Harris County Public Health Department shall be placed on leave under DBB(LOCAL) while seeking medical examination and/or testing. The administrative leave for quarantine for District police officers under this provision is provided without a deduction in salary or other leave.

**Line of Duty Illness
or Injury Leave of
Absence for Police
Officers**

Following a leave of absence with full pay as required by law, the District shall not extend the leave of absence for a police officer's line of duty illness or injury. In accordance with law, the police officer may use accumulated leave.

**Leave for Religious
Holidays and
Observations**

An employee who desires to take leave for religious purposes shall notify his or her supervisor at least two days in advance in writing of the need for leave. The supervisor shall accommodate the employee's request so long as the absence does not cause an undue hardship on the conduct of District operations. An employee may use state personal (discretionary) days, compensatory time (non-exempt employees only), nonduty days, or vacation, if available, to attend religious observations that relate to a tenet of his or her religion. Otherwise, leave for religious observations shall be without pay.

**Use of Unearned
Paid Leave**

When an employee who has used more leave than he or she had accumulated separates from employment before completing the school year, the cost of the unearned leave days shall be deducted from the employee's final paycheck. The human resources department shall develop a form that each employee shall sign at the

commencement of employment acknowledging and agreeing that such deductions may be made.

**Medical Certification
Required for Certain
Absences**

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

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

"Medical certification" as used items 1, 2, and 3 in this paragraph refers to a statement signed by a licensed physician or other licensed health-care provider that lists the dates of absence, the date the employee may return to duty, and the physician's statement regarding the employee's absence and fitness to return to work. Different medical certification requirements apply to employees taking leave under the FMLA [see Family and Medical Leave, below].

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

**Family and Medical
Leave**

Under the FMLA, certain District employees are eligible for up to 12 weeks of unpaid family and medical leave during a 12-month period. For purposes of this policy, the "leave year" shall be a rolling 12-month period backward from the date on which the leave is to occur.

**Eligibility
Requirements**

An employee shall be eligible for FMLA leave if he or she has been employed by the District for at least 12 months and has worked a minimum of 1,250 hours of service to the District in the 12 months preceding the need for leave. The District guarantees its eligible employees a total of 12 workweeks of unpaid leave during any 12-month period for the following purposes:

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1. Caring for a child following his or her birth, adoption, or placement in the employee's home for foster care;
2. Caring for a spouse, child, or parent who has a serious health condition;
3. Experiencing or recovering from a serious health condition or injury that renders the employee unable to perform his or her job responsibilities; or
4. Experiencing a qualifying exigency.

If 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. [See DECA(LEGAL)]

Leave for Parental Bonding, Adoption, or Foster Care

Under the FMLA, an eligible employee may receive up to 12 weeks of unpaid leave to care for a child following his or her birth, adoption, or placement in the employee's home for foster care. In addition to unpaid leave under the FMLA, an employee may use accrued state personal leave and local sick leave for up to six weeks of paid leave, except that a classroom teacher shall notify the appropriate administrator if the classroom teacher chooses not to use paid leave concurrently for an absence related to pregnancy or the birth or adoption of a child. The paid leave shall run concurrently with the FMLA leave. Such leave must conclude within 12 months of the birth of the child or the date of the child's placement in the home. When both parents are employed by the District, the combined number of days used by the two employees may not exceed 12 work weeks.

In addition to using accrued local leave and state personal leave, a nonexempt employee with accrued compensatory time shall be eligible to use compensatory time for parental bonding (newborn care, adoption, foster care). Accrual and use of compensatory time shall be subject to the restrictions addressed in DEA(LOCAL).

Medical Certification

If an employee requests or is placed on leave, the employee shall provide certification, as required by FMLA regulations and administrative regulations, of the need for leave . [See DECA (LEGAL)].

Concurrent Use of Paid Leave

Except as provided above regarding leave for absences related to pregnancy or adoption of a child, employees shall be required to use any vacation leave, local sick leave, state sick or personal leave, workers' compensation, assault leave, compensatory time, or other paid leave concurrently with the taking of FMLA leave. The

Deleted: Notice of Leave and Designation of Leave as FMLA-Qualifying¶

An employee giving notice of the need for leave must explain to his or her supervisor the reasons for the leave in order to allow the District the opportunity to determine whether the leave qualifies under the FMLA. In any circumstance where the employee provides insufficient information to the supervisor regarding the employee's need for leave, the supervisor may ask the employee for additional information to determine whether the leave is potentially FMLA-qualifying. If the employee is incapacitated, the supervisor may seek additional information from the employee's family or other representative.¶

The supervisor shall immediately inform the human resources department of the employee's request for leave. If the employee appears to be eligible for FMLA leave, the human resources department shall send a letter to the employee preliminarily designating the leave as qualifying under the FMLA. The department shall include the District's FMLA packet and shall provide instructions to the employee regarding completion of the required forms, including the health-care provider certification form. Ordinarily, absent extenuating circumstances, the preliminary designation letter and FMLA packet shall be sent to the employee within five workdays of the employee's request for leave. If the employee does not return the forms by the deadline, or if the information provided does not establish an FMLA-qualifying reason, leave may be delayed or denied. If the employee timely returns the forms, and the forms substantiate a qualifying FMLA reason, the ... [1]

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Deleted: Notice of Leave When the Need for Leave Is Foreseeable¶

When the need for an FMLA leave (including intermittent or reduced work schedule leave) is foreseeable, the employee must provide his or her supervisor with 30 days' prior notice. The supervisor shall promptly transmit this information to the human resources department. If 30 days' prior notice is not practicable because the absence results from unforeseen circumstances, the employee must give notice as soon as practicable (generally within two workdays after t ... [2]

Deleted: An employee who requests leave because of a serious health condition of the employee, or the employee's spouse, child, parent, or military caregiver must provide the human resources department with a medical certification from his or her health-care provider on the form provided by the District. [See DECA(LEGAL)] When 30 days' notice of leave is provided, the employee must return the completed medical certification before beginning the leave. However, when the need for leave is not foreseeable, the completed certification must be returned to the District within ... [3]

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	employee may choose the order in which he or she desires to use paid leave.
Concurrent Use with Other Unpaid Leave	Leave under the FMLA shall run concurrently with temporary disability leave.
Health Benefits	
Intermittent or Reduced Schedule Leave	The District shall not permit use of intermittent or reduced-schedule FMLA leave for the care of a newborn child or for the adoption or placement of the child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]
Employment While on Leave	Employees on approved FMLA leave may not work for other employers while on leave. The prohibition on outside employment includes working as a consultant. Employees who work while on FMLA leave are subject to termination in accordance with District termination procedures.
Return to Work	The employee must submit a fitness-for-duty certification from his or her health provider to the human resources department before expiration of the 12 weeks of FMLA leave. Failure to provide the certification may result in a delay or denial of restoration and may lead to termination of employment.
Failure to Report for Duty After Expiration of FMLA Leave	An employee who does not report for duty upon expiration of his or her leave and who fails to notify human resources about his or her status is subject to termination. If an employee is unable to report for duty because of the inability to perform an essential function of his or her job, the employee's job protections rights under the FMLA shall expire. The employee shall be subject to termination unless the employee is otherwise protected by law (for example, if the employee remains on assault leave or temporary disability leave).
Leave for Temporary Disability	<p>Any full-time employee whose position requires educator certification by the State Board for Education 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>The medical certification procedures in the FMLA policy shall apply to temporary disability leave under this policy.</p> <p>An educator who qualifies for temporary disability under this policy shall use accrued paid leave concurrently with the leave of absence. The maximum length of temporary disability leave for full-time educators shall be 180 calendar days. Requests for extension</p>

Deleted: Under some circumstances, noninstructional employees may take FMLA-reduced or intermittent leave, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. [See DECA(LEGAL)]
Intermittent Leave (Instructional Employees)
Special restrictions on intermittent leave for instructional employees are discussed in policy DECA(LEGAL).

Deleted: During FMLA leave, the District shall continue to pay its share of the employee's premium payments under the District's group health insurance plan. The employee shall continue to pay his or her portion of the health insurance premium.

Deleted: (Noninstructional Employees)

Deleted: Effect of Summer Vacation on FMLA Leave
Leave taken for a period that ends with the school year and begins the next semester shall be deemed leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty shall not be charged against the employee's FMLA allotment. Employees who intend to resume FMLA leave at the beginning of the fall semester shall inform their supervisors as promptly as possible so that their supervisors may meet the needs of students and plan the instructional program accordingly.
End-of-Term Leave (Instructional Employees)
As stated in policy DEC(LEGAL), there are circumstances when an instructional employee shall be required to remain on leave through the end of a semester. 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. [See DECA(LEGAL), Leave at the End of Semester]
No Accrual of Paid Leave
Employees shall not accrue local sick leave while they are off work on unpaid leave.

Deleted: Upon return from leave, the employee is entitled to his or her former position or an equivalent position with equivalent pay and benefits. However, the District may, at its discretion, deny an employee who is among the highest paid 10 percent of the District's personnel the right to return to his or her job if the denial is necessary to prevent substantial and grievous economic injury to the operations of the District. Employees shall be notified at the commencement of their...

Deleted: "Light Duty" Assignments and the FMLA
An employee returning to duty must be able to perform the duties of his or her previous position. The FMLA does not require the District to provide a "light duty" position. In some instances, however, an employee may be eligible for certain accommodations under the Americans with Disabilities Act (ADA), which requires employers to provide a reasonable accommodation...

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	beyond 180 days must be approved by the Superintendent or designee.
<u>By Board Authority</u>	The Board may place an educator on leave of absence for temporary disability if, in the Board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. The Board's inquiry must be job related and consistent with business necessity.
<u>Notice</u>	The educator shall notify the Superintendent of a desire to return to active duty no later than the 30 th day before the expected date of return. The notice must be accompanied by a physician's statement indicating the educator's physical fitness for the resumption of regular duties.
<u>Placement</u>	An educator returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. In any event, the educator shall be placed on active duty no later than the beginning of the next school year. A principal at another campus may voluntarily approve the appointment of an educator who wishes to return from leave of absence. However, if no other principal approves the assignment by the beginning of the next school year, the District must place the educator at the school at which the educator formerly taught.
<u>Assault Leave</u>	
Description	<p>In addition to all other days of leave, a District employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from physical injuries sustained as a result of the assault. The leave shall be paid as set forth below at Coordination with Workers' Compensation Benefits.</p> <p>A District employee is physically assaulted if the person engaging in the conduct causing injury to the employee:</p> <ol style="list-style-type: none">Could be prosecuted for assault; orCould not be prosecuted for assault only because the person's age or mental capacity makes the person a nonresponsible person for purposes of criminal liability.

Deleted: Involuntary Leave of Absence for Temporary Disability

Deleted: This means that the administration must have a reasonable belief based on objective evidence that:¶ An employee shall be unable to perform the essential functions of his or her job because of a medical condition; or¶ The employee shall pose a direct threat because of a medical condition.¶ In these situations, the inquiries or examinations must not exceed the scope of the specific medical condition and its effect on the employee's ability, with or without reasonable accommodation, to perform essential job functions or to work without posing a direct threat.¶ The determination that an employee poses a direct threat must be based on an individualized assessment of the employee's present ability to safely perform the essential functions of the job. This assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or best objective evidence. Any medical examination, however{ ... [6]

Deleted: Returning to Duty

Deleted: When FMLA leave and temporary disability leave run concurrently, and the employee desires to return to duty upon expiration of the FMLA leave, the return-to-work procedures in the FMLA policy shall { ... [7]

Deleted: Termination of Employee While on Leave for Temporary Disability

Deleted: The employment of an educator may not be terminated by the District while the educator is on a leave of absence for temporary disability. However, the law does not preclude the Board from completing an investigation or initiating termination proceedings w{ ... [8]

Deleted: Other Types of Unpaid Leave of Absence¶ Employees Who Are Not Eligible Under the FMLA or Under Temporary Disability Law¶ Employees who are not eligible for temporary disability leave and who are not eligible for FMLA leave ma{ ... [9]

Deleted: The District shall hold open the employee's position/campus assignment for 60 days, unless the District, at its sole discretion, determines that it would be a hardship on the District not to fill the position. After 60 days, the District shall, upon availability, offer{ ... [10]

Deleted: In considering whether to grant such leave, the Superintendent or his or her designee shall consider the impact on the instructional program and the date and length of the request.¶ An employee with accrued local sick leave, state{ ... [11]

Deleted: Assault leave is a form of paid leave that is available when a District employee is physically assaulted during the performance of regular duties. Assault leave is not available in cases of assault sustained as a result of domestic violence or as a re{ ... [12]

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	<p>Assault leave shall run concurrently with a leave of absence for temporary disability and FMLA leave, if applicable. The Superintendent or designee shall adopt regulations for purposes of requesting assault leave.</p>
Notice of Rights	<p>Any informational handbook the District provides to employees in an electronic or paper form or makes available by posting on the District's website must include notification of an employee's rights regarding assault leave, in the relevant section of the handbook. Any form used by the District through which an employee may request personal leave must include assault leave as an option.</p>
Assignment to Assault Leave	<p>At the request of an employee, the District must immediately assign the employee to assault leave. Days of assault leave may not be deducted from accrued personal leave. Assault leave may not extend more than two years beyond the date of the assault. Following an investigation of the claim, the District may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.</p>
Coordination with Workers' Compensation Benefits	<p>Notwithstanding any other law, assault leave benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so the employee's total compensation from temporary income benefits and assault leave benefits will equal 100 percent of the employee's weekly rate of pay.</p> <p>Education Code 22.003(b)-(c-1)</p>
Sick Leave Bank	<p>A voluntary sick leave bank shall be administered for all eligible employees who wish to participate.</p> <p>The Sick Leave Bank shall operate independently of the District Disaster Days Pool.</p> <p>The Superintendent shall develop regulations for the operation of the sick leave bank that address the following:</p> <ol style="list-style-type: none">Membership in the sick leave bank, including the number of days an employee must contribute to become a member;Procedures to request leave from the sick leave bank;The maximum number of days per school year a member employee may receive from the sick leave bank;

- Deleted:** Procedure for Notifying Supervisor¶
An employee who has been physically assaulted shall promptly inform his or her supervisor of the assault, even if there is no immediate appearance of injury. On a form provided by the District, the employee shall identify the person who caused the assault; the date of the assault; the location; the names of witnesses, if available; and the facts and circumstances of the assault in writing. The form shall be completed and returned to the employer's supervisor within three workdays. If an employee is incapacitated and physically unable to complete the form within three workdays, then the form shall be submitted as soon as circumstances reasonably permit. With 15 calendar days of the assault, the employee (or someone on his or her behalf) must submit a medical certification from the employee's health-care provider regarding the physical injuries, if any, sustained as a result of the assault and estimating the probable length of recuperation.¶
The District shall investigate the employee's claim. The employee shall cooperate during the investigation. If the investigation does not support the employee's claim, the District may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.¶
Definition of Assault¶
[See DEC(LEGAL) for definition of assault.]
- Deleted:** Returning to Duty
- Deleted:** When
- Deleted:** FMLA leave and assault leave run concurrently, and the employee desires to return to duty upon expiration of the FMLA leave, the return-to-work procedures in the FMLA policy shall apply. If the employee continues to remain on assault leave after the expiration of the FMLA leave, the employee must notify the Superintendent or designee in writing of the desi... [13]
- Deleted:** Other Employment While on Assault Leave
- Deleted:** Employees
- Deleted:** on approved leave may not work for other employers while on leave. The prohibition on out... [14]
- Deleted: Donated Days¶**
Description of Benefit
- Deleted:** A sick leave bank may be established from voluntary donations by District employees. Employees may request sick leave bank days only in cases of catastrophic illness or injury.¶
... [15]
- Deleted: Member of the Sick Leave Bank**
- Deleted:** A member of the sick leave bank shall be any eligible employee who agrees, in writing, to contribute one earned local sick leave day per year.¶
All employees shall be eligible for membership if... [16]

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	<p><u>4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and</u></p> <p><u>5. Other procedures deemed necessary for the operation of the sick leave bank.</u></p>
Appeals	<p><u>An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.</u></p>
Cancellation of Program	<p>The Board reserves the right to discontinue the sick leave bank at any time; days granted to an employee prior to the discontinuation shall not be affected. Contributed days shall not be returned to employees upon discontinuation of the program.</p> <p>Former employees shall have no claim to any days that may have been contributed from unused local sick leave days.</p>
Exchange Teaching Leave	<p>This policy applies only to certified, professional employees of the District. Such leave shall be governed by guidelines issued by the Texas Education Agency.</p> <p>An eligible employee may be granted a leave of absence with pay for exchange teaching for a period of not less than one semester and not more than one scholastic year. For the purposes of this policy, a scholastic year is July 1-June 30. Approval for such leave shall be by the Board upon recommendation of the Superintendent or designee.</p> <p>An eligible employee seeking such leave shall submit an application to the Superintendent or designee. The application must include a statement of the benefits of the exchange both for the applicant and for the District, a statement of the goals and objectives to be accomplished by the exchange, and identification of the assignment to be assumed in the exchange. In deciding whether to approve such application, the Board shall consider the date of the application, the enrichment opportunities from the exchange that are transferable to teaching, the applicant's proficiency and seniority, the consent of the administrator affected by the exchange, and the agreement of the applicant to return to the District for a period of at least two scholastic years following the exchange.</p> <p>The Board may grant exchange teaching leave to no more than one percent of the certified, professional employees of the District in any given semester.</p> <p>An employee on exchange leave shall receive the same salary he or she would have received for continued assignment in the District. However, an employee who fails to return to the District to</p>

Deleted: Requesting Sick Leave Bank Days

Deleted: Sick leave bank days may be requested and applied only by an employee belonging to the sick leave bank after the employee has exhausted all personal leave, state and local sick leave, compensatory leave, nonduty days, and accrued vacation days.¶
An individual employee may be granted days by the Sick Leave Bank Committee (SLBC) for a maximum of 45 days in a given school year.¶
An employee receiving days from the sick leave bank shall not earn local sick leave.¶
A member of the bank shall lose the right to use the sick leave bank days if the employee:¶
Resigns, retires, or has employment terminated with the District.¶
Is suspended without pay;¶
Is not in good standing;¶
Abuses or misuses the sick leave bank; or¶
Becomes ineligible to receive local sick leave days.¶

Deleted: Decisions made by the SLBC regarding the granting or denial of days from the sick leave bank shall be made in accordance with the guidelines identified in this policy.

work following an exchange leave must return all salary paid by the District during the period of leave.

Employees wishing to return to service after exchange leave must notify the Superintendent or designee at least 30 days prior to the desired date of return. Unless another date of resumption of service has been approved by the Board in advance, employees returning from exchange leave shall be allowed to resume service only at the beginning of the fall semester. Following an exchange leave, the employee shall be assigned to his or her former position or to a position of comparable stature.

**Coordination with
Workers'
Compensation**

Absences for job-related injuries or illnesses under the workers' compensation program shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave or receive workers' compensation wage benefits. If available paid leave is chosen, workers' compensation wage income benefits shall begin when:

1. Paid leave is exhausted;
2. The employee elects to discontinue use of paid leave; or
3. Leave payments are less than the employee's pre-injury average weekly wage.

The employee shall make this election in advance on forms provided by the human resources department. This election may be changed at any time but must be submitted in writing to the workers' compensation specialist.

**Absence Control
Policy**

All combined leaves under this policy shall be limited to 180 calendar days within a "rolling" 12-month period, except when an extension of leave is requested by an employee and granted by the District as a reasonable accommodation under the ADA or other applicable law. Any employee who is not granted a reasonable extension of leave under the ADA and takes leave of more than 180 days in a 12-month period shall be subject to termination. Requests for extension beyond 180 days shall be approved by the Superintendent or designee.

Note: Use of the following Emergency Closure Leave is only applicable upon the Superintendent's activation of the Emergency Closure Leave plan.

Deleted: Extended Leave as a Reasonable Accommodation Under the Americans with Disabilities Act

Under the ADA, an employee who is disabled may be entitled to a reasonable accommodation to help him or her perform the essential functions of his or her job. According to the Equal Employment Opportunity Commission, an unpaid leave of absence may constitute a reasonable accommodation. When a disabled employee asks for unpaid leave that is longer than permitted by this policy, the District must first determine whether the employee is protected as a qualified individual with a disability under the ADA and, second, whether it would be reasonable and not an undue hardship to allow the employee to take a further leave of absence. [See DAA(LEGAL)] The employee must provide appropriate medical documentation from his or her physician that substantiates the existence of an ADA-qualifying disability and that demonstrates that an additional leave of absence is likely to help the employee perform the essential functions of the job in the immediate future. An additional leave of absence for an indefinite amount of time is not a reasonable accommodation under the ADA and shall not be granted.

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Emergency Closure Leave	<p>All eligible employees shall earn five days of emergency closure leave each fiscal year. Emergency closure leave shall not accumulate beyond the fiscal year in which it is earned. An emergency closure leave day for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full time or part time.</p> <p>An employee shall be eligible to receive emergency closure leave and/or emergency closure pay if he or she accrues local leave. Substitutes and temporary workers shall not be eligible for emergency closure leave or emergency closure pay.</p> <p>Emergency closure leave may only be used if the Superintendent has activated the Emergency Closure Leave plan and has closed the District, an individual campus, or facility as a result of a federal, state, or local disaster; epidemic; or other emergency condition that results in the necessity to close the District, an individual campus, or District facility.</p>
Emergency Closure Pay	<p>Nonexempt employees who are required to work during an emergency closing shall be paid at the rate of one and a half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.</p>
Personnel Required to Work During an Emergency Closure	<p>For the purpose of an emergency closure, essential personnel may include the designated District support team, designated District police officers, designated custodial staff, designated maintenance staff, and/or designated facilities staff. The Superintendent or designee may designate incident-specific essential employees during an emergency closure. Incident-specific essential employees identified by the Superintendent or designee shall be required to work.</p>
<i>Exempt Personnel</i>	<p>Designated exempt essential employees who report to work for at least four hours during an emergency closure shall receive remunerative time for an eight-hour workday.</p>
<i>Nonexempt Personnel</i>	<p>Designated nonexempt essential employees required to work during an emergency closure shall be paid according to the emergency closure pay provisions.</p>
Time Reporting for Nonexempt Employees	<p>Supervisors shall accurately track all time worked and compensation due each designated nonexempt essential employee if that employee is unable to record time worked in the District's time-keeping system. The actual hours worked during the emergency closure and compensation shall be processed on the next appropriate payroll.</p>

**Facilities Excluded
from Emergency
Closure**

The Superintendent may designate one or more campuses or facilities to remain open while other campuses or facilities are closed. The employees assigned to the open facilities shall not be eligible for emergency closure leave or emergency closure pay.

**Employees on Leave
During Emergency
Closure**

If the closure is less than one full workweek, an employee who is on FMLA leave, temporary disability leave, or worker's compensation during the District's or campus or facility's emergency closure shall be charged for leave.

An employee on unpaid leave during the District campus or facility emergency closure shall remain in an unpaid status.

An employee who was scheduled to be absent due to a personal illness, family illness, personal leave, or vacation during the District campus or a facility emergency closure shall not be charged for regular leave during the emergency closure. Emergency closure leave shall be deducted.

Note: The following provisions are applicable upon Board adoption of a resolution activating the major disaster leave sharing plan.

**Major Disaster Leave
Sharing Plan**

The District hereby adopts the District Major Disaster Leave Sharing Plan in order to provide additional leave to employees who have undergone severe hardship and a personal loss of property due to certain approved major disasters.

The Board may adopt a resolution for the use of disaster days for employees who have undergone severe hardship and have been adversely affected from certain approved major disasters that have caused the closing of schools.

A "major disaster" shall mean a major disaster as declared by the President of the United States under Section 401 of the Stafford Act, 42 U.S.C. Section 5170, that warrants individual assistance or individual and public assistance from the federal government under that Act or a major disaster or emergency as declared by the President of the United States pursuant to 5 U.S.C. Section 6391, in the case of employees described in that statute.

Employees shall only be eligible for disaster days if they had damage to their own property. Employees shall not be eligible for disaster days for damage to the property of family members, friends, or neighbors. These employees must be current employees of the District on active duty for whom the District has approved an application to receive disaster days leave under this plan. The donor employee must be a current employee of the District who makes a

voluntary written request to donate accrued leave in the major disaster leave pool under this plan that is approved by the District.

Employees may request District disaster days only in cases of events that constitute a major disaster that is approved by specific Board resolution after the occurrence of such major disaster. Employees shall be notified if a specific major disaster is approved via Board resolution for District disaster days.

↓ In addition to any other requirements provided in the District Major Disaster Leave Sharing Plan, the [Superintendent shall develop regulations for the requirements that](#) must be satisfied in order to permit the request of District disaster days.

↓ The Board reserves the right to discontinue and terminate this plan at any time, in its sole discretion.

Deleted: Creation of District Disaster Days Pool¶

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Deleted: <#>The recipient employee must be adversely affected by the major disaster, which means that the major disaster has caused severe hardship involving a personal loss of property to the employee that requires the employee to be absent from work. Appropriate documentation of the severe hardship (for example, copies of the FEMA application, the completed and submitted insurance claim form, and the like) must be provided to the District by the employee.¶
The donor employee may not contribute leave to the major disaster leave pool for transfer to a specific employee.¶
The amount of leave that may be donated by a donor employee in any year may not exceed the maximum amount of leave that the donor employee normally accrues during the year (up to a maximum of two days).¶
The recipient employee may receive paid leave (at his or her normal rate of compensation) from leave deposited in the major disaster leave pool, which shall be paid in accordance with the normal payroll practices of the District after the approval by the Disaster Days Approval Committee (as discussed below) and the leave has been used. Each such employee must use this leave for purposes related to the approved major disaster.¶
The donor employee must make a request for approval of the donation of District disaster days no later than 60 calendar days following the date of the major disaster, and, if approved by the District, the deposit of the District disaster days into the leave pool under the plan must take place within 90 calendar days following the date of the major disaster.¶
The recipient employee must make a written request (using the appropriate District forms) for District Disaster Days within 60 calendar days following the date of the major disaster.¶
The recipient employee must use the leave received from the leave pool under the plan within 140 calendar days following the date of the major disaster.¶
The recipient employee may not convert leave received under the plan into cash in lieu of using the leave.¶
Employees are considered eligible to receive District disaster days if they accrue local leave. Substitutes and temporary workers are not eligible for District disaster days. An eligible employee's current available unused accrued days are not considered by the Disaster Day Approval Committee when determinations of approval for receipt of District disaster days are made.¶
An employee requesting District disaster days shall complete the Request for Approval of Disaster ... [17]

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