

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

**Definitions**

The term "immediate family" is defined as:

Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to 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 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.

Catastrophic Illness or Injury

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. Complications resulting from pregnancy shall be treated the same as any other condition.

**Availability**

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**Earning Local Leave**

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

**Deductions**

Leave Without Pay

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

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Leave Proration  
*Employed for  
Less Than Full  
Year*

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 and local 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.

**Recording**

Leave shall be recorded as follows:

1. For positions for which a substitute is normally required, leave shall be recorded in half-day increments, even if a substitute is not employed.
2. For positions for which a substitute is not normally required, leave shall be recorded on an hourly basis.
3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

**Order of Use**

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

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

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

Use of sick leave bank days shall be permitted only after all available state and local leave has been exhausted.

**Concurrent Use of Leave**

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

**Medical Certification**

An employee shall submit medical certification of the need for leave if:

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

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

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**State Personal Leave**

The Board requires employees to differentiate the manner in which state personal leave is used:

Non-Discretionary  
Use

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Non-discretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

*Limitations*

Request for  
Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

Duration of  
Leave

Discretionary use of state personal leave shall not exceed five consecutive leave days.

**Local Leave**

All employees shall be paid local leave days per school year in accordance with administrative regulations and the chart below:

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Work Schedule Normally Requiring	Leave Days Earned	Maximum Days of Accu- mulation
9–10 months	5 leave days	90 leave days
10 1/2 months	5 1/2 leave days	99 leave days
11 months	6 leave days	108 leave days
12 months	7 leave days	126 leave days

Local leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]

**Resignation**

Employees who resign their positions shall forfeit all accumulated local benefits upon resignation.

**Sick Leave Bank**

The District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

**Appeal**

All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

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<b>Family and Medical Leave</b>	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.
Twelve-Month Period	
Combined Leave for Spouses	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(LLEGAL)]
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 a child with the employee. [See DECA(LLEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]
Certification of Leave	If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LLEGAL)]
Fitness-for-Duty Certification	If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.
End of Semester Leave	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(LLEGAL), LEAVE AT THE END OF A SEMESTER]
Failure to Return	If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LLEGAL), RECOVERY OF BENEFIT COST]
<b>Temporary Disability Leave</b>	<p>Any full-time employee 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(LLEGAL) for return to active duty.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.</p>
<b>Workers' Compensation</b>	<hr/> <p><b>Note:</b> Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation</p>

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of the District's contribution to health insurance. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]

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An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

**Jury Duty**

An employee shall be granted leave in half-day increments 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.

**Other Court Appearances**

An employee shall be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding.

Absences for court appearances related to an employee's personal business shall be taken as personal leave or leave without pay (if personal leave is available). The employee may be required to submit documentation of his or her need for leave for court appearances.

**Bereavement (Funeral) Leave**

Use of state leave and/or local leave days for a death in the employee's immediate family shall not exceed ten leave days per occurrence, subject to the approval of the District.

**Educational/COVID-19 Leave of Absence**

A professional employee who is in good standing may, upon request, be considered for a one-year unpaid leave of absence for educational reasons if the employee has been continuously employed by the District for a minimum of three years.

Alternatively, COVID-19 Leave allows for professional teaching employees to request a one-year unpaid leave of absence due to the pandemic. This leave type would follow the same guidelines as Educational Leave without the educational transcript upon return. Leave requests are required by August 13, 2020. Return notification follows Educational Leave protocol.

The Superintendent or designee shall review the request and certify eligibility, after which the request shall be submitted to the Board for approval. The employee shall be advised, in writing, of the action taken.

No requests for such leave of absence for the following school year shall be approved after August 1, and no more than four employees may be granted such leave in any one year. The Board may increase this number on a case-by-case basis.

An employee returning to duty [after Educational Leave of Absence](#) must provide human resources with a transcript from an accredited college documenting at least six hours of passing credit or proof documenting completion of a fellowship, scholarship, grant, teacher exchange program, or the like (i.e., Fulbright Programs).

The employee shall give written notice to the Superintendent or designee of his or her desire to return no later than February 1 of the school year in which the employee plans to return. Failure to provide such notice shall be considered a resignation by the employee.

An employee returning to duty after an [Educational](#) leave of absence shall be entitled to an assignment at the campus where the employee was formerly assigned, subject to the availability of an appropriate position. Should an appropriate position or assignment not be available where the employee was formerly assigned, the employee may be assigned to another location or department at the employee's former daily rate, excluding any supplemental pay or stipends.

[COVID-19 Leave of Absence](#)

[A professional employee who is in good standing may, upon request, be considered for a one-year unpaid leave of absence for Covid-19 reasons if the employee has been continuously employed by the District for a minimum of one year.](#)

[COVID-19 Leave of Absence allows for professional teaching employees to request a one-year unpaid leave of absence due to the pandemic. This leave type would follow the same guidelines as Educational Leave without the educational transcript upon return.](#)

[The Superintendent or designee shall review the request and certify eligibility. The employee shall be advised, in writing, of the action taken.](#)

[The employee shall give written notice to the Superintendent or designee of his or her desire to return no later than February 1 of the school year in which the employee plans to return. Failure to provide such notice shall be considered a resignation by the employee.](#)

[An employee returning to duty after a Covid-19 leave of absence shall be entitled to an assignment at the campus where the employee was formerly assigned, subject to the availability of an appropriate position. Should an appropriate position or assignment](#)

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not be available where the employee was formerly assigned, the employee may be assigned to another location or department at the employee's former daily rate, excluding any supplemental pay or stipends.

**Attendance Incentive**

An employee with ten years of continuous service in the District shall receive at retirement a payment for accumulated state and local leave based on the following schedule:

Length of Employment Year	Accumulated State and Local Leave	Payment
10 months	50 days	1/10 annual salary
11 months	60 days	1/10 annual salary
12 months	70 days	1/10 annual salary

Retirement benefits shall not be paid to any employee retiring with less than the specified accumulated number of days.