

**DRAFT 11/25/09**

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 natural disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

WORKDAY

A “workday” for purposes of earning, use, or recording shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

AVAILABILITY

~~The District shall make paid leave for the current year available for use at the beginning of the school year. New employees are not eligible for leave until they have officially reported to work.~~

**The District shall make state personal leave for the current year available for use at the beginning of the school year. Local leave shall be made available as earned.**

The District shall not approve paid leave for more workdays than have been accumulated in prior years plus those to be earned during the current year. Any absences beyond available paid leave shall result in deductions from the employee’s pay.

EARNING LEAVE

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

When an employee has used more leave than he or she has earned, the District shall deduct the cost of unearned leave days from the employee’s final paycheck for the year or from the last

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paycheck after the employee ceases to be employed by the District.

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.
4. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

ORDER OF USE

Earned compensatory time shall be used before the end of the fiscal year in which it is earned. [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:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;

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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

For purposes of this section, each employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate established in administrative regulations.

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)]

DISCRETIONARY  
USE

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

LIMITATIONS

Discretionary leave shall not be allowed in the following circumstances, unless authorized by the building principal or supervisor:

3. The day before a school holiday.
4. The day after a school holiday.
5. Days scheduled for end-of-semester or end-of-year exams.
6. Days scheduled for state-mandated assessments.
7. Professional or staff development days.
8. The first or last day of the instructional year.

DURATION OF  
LEAVE

Discretionary use of state personal leave shall not exceed two consecutive workdays.

LOCAL LEAVE

All employees under the state leave program shall earn additional equivalent workdays of local ~~sick~~ leave per school year with no loss of pay, concurrently with state leave as follows:

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	Work Schedule	Leave Days Earned	Maximum Days of Accumulation
	9–10 months	5 workdays	90 workdays
	10–1/2 months	5–1/2 workdays	99 workdays
	11 months	6 workdays	108 workdays
	12 months	7 workdays	126 workdays
RESIGNATION	<p>Employees who resign their positions shall forfeit all accumulated local benefits upon resignation.</p> <p><del>Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year. [See DEC(LEGAL)]</del></p>		
SICK LEAVE BANK	<p>The District shall establish a sick leave bank that employees may join through contribution of local leave.</p> <p>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.</p> <p>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.</p> <p>The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:</p> <ol style="list-style-type: none"> <li>1. Membership in the sick leave bank, including the number of days an employee must donate to become a member;</li> <li>2. Procedures to request leave from the sick leave bank;</li> <li>3. The maximum number of days per school year a member employee may receive from the sick leave bank;</li> <li>4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and</li> <li>5. Other procedures deemed necessary for the operation of the sick leave bank.</li> </ol>		
APPEAL	<p>All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.</p>		

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FAMILY AND MEDICAL LEAVE	For purposes of an employee's entitlement to FMLA, 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(LEGAL)]
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(LEGAL) 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(LEGAL)]
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(LEGAL), 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(LEGAL), RECOVERY OF BENEFIT COST]
TEMPORARY DISABILITY LEAVE	Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for reinstatement.]  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.

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All employees not covered by the state program for temporary disability shall be eligible for benefits under the local program, which shall be the same as the state.

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WORKERS'  
COMPENSATION

**Note:** Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation 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.

PAID LEAVE OFFSET

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage. [See CRE]

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

Employees 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). Employees may be required to submit documentation of their need for leave for court appearances.

BEREAVEMENT  
(FUNERAL) LEAVE

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

CHILD-NURTURING  
LEAVE

Any full-time employee who has been employed by the District for no less than two consecutive years and who becomes a parent through either childbirth or adoption, may be granted a child-nurturing leave of absence for up to one year. In cases where the leave begins during a semester, the expiration date may be extended to coincide with the beginning of a new school year.

When both parents are employed by the District, only one employee is eligible for child-nurturing leave.

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An employee who gives birth to a child is eligible for a child-nurturing leave, but may use accumulated **sick** leave and temporary disability only for the period of disability as determined by a physician. If family and medical leave is requested in conjunction with child-nurturing leave, accumulated **sick** leave must be used first. The remaining days absent from work for the duration of the leave shall be without pay. If child-nurturing leave is requested following family and medical leave, the total amount of leave shall not exceed one year.

An employee who adopts a child below the age of seven, who is of the age for compulsory public school attendance, shall be eligible for a child-nurturing leave. In such instances, the employee may use a maximum of 30 days of accumulated earned local **sick** leave during the bonding process. All other days absent from work for the duration of the leave shall be without pay.

An employee may continue to participate in the District group health insurance program provided the employee pays the full monthly premium normally paid by the District.

The employee may also have the option of continuing other insurance coverage, at the employee's expense, provided the contract with the insurance company includes this option.

An employee seeking child-nurturing leave shall submit a written request to the Superintendent or designee. The request shall be submitted, whenever possible, at least 60 days prior to the proposed beginning date of the leave but no later than 30 days after the birth or adoption of a child. The letter shall specify the requested date to begin the leave and the anticipated return date.

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.

At least 30 days prior to the expected date of return, the employee shall give written notice to the Superintendent or designee of the desire to return. Failure to provide such notice shall be considered a resignation by the employee.

An employee returning to duty after a child-nurturing leave of absence shall be entitled to an assignment 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 formerly was assigned, the employee may be assigned to another location or department at the employee's former daily base rate excluding any supplemental pay or stipends.

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PERSONAL OR  
EDUCATIONAL 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 personal and/or educational reasons subject to the following:

1. The employee must have been continuously employed by the District for a minimum of three years.
2. No requests for such leave of absence for the following school year shall be approved after August 1.
3. 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 a personal or educational leave of absence shall be entitled to an assignment at the campus where the employee formerly was assigned, subject to the availability of an appropriate position. Should an appropriate position or assignment not be available where the employee formerly was 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

Employees with ten years of continuous service in the District shall receive at retirement a payment for accumulated state and local **sick** 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

No retirement benefit shall be paid for any employee retiring with less than the specified accumulated number of days.