

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

**Leave  
Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

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**Note:** See DEC(REGULATION) for further Leaves and Absences information.

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**Definitions**

The term "immediate family" is defined as:

Immediate 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, using, or recording leave shall mean the number of hours per day equivalent to the employee's usual 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.

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. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions

relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

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

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**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.

**State Leave Proration**

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

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;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

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

**State Personal Leave**

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

**Nondiscretionary Use**

Nondiscretionary 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)]

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Nondiscretionary 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**

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

*Request for Leave*

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

**Duration of Leave**

Discretionary use of state personal leave shall not exceed three consecutive workdays. This restriction shall apply to full or partial leave days. Any days over three shall be docked at the employee's daily rate of pay.

**Schedule Limitations**

Discretionary use of leave shall not be allowed on the first or last day of school. Discretionary use of leave shall not be used to extend days off before or after breaks or school holidays. [See Leadership / Administration Regulations / DEC\(REGULATION\) for instances to appeal discretionary dock pay.](#)

Exception to the use of leave not being allowed to extend days off before or after breaks or school holidays are when the day(s) requested is a student holiday/teacher workday. When using this exception, discretionary use of leave shall not be allowed to extend days off before or after teacher workday. An employee shall be docked the daily rate of pay for leave taken on these days.

**Local Leave**

Each employee shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate to a maximum of 30 leave days.

Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]

**Sick Leave Pool**

An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate local leave for use by the eligible employee.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of

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days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

Appeal

An employee may appeal a decision regarding the establishment or implementation of the District's sick leave pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

**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 experiences a catastrophic illness or injury and has exhausted all paid leave and any applicable compensatory time.

The Superintendent 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 to the sick leave bank committee in accordance with administrative regulations. If the employee is not satisfied with the committee's decision, the employee may appeal a decision regarding the sick leave

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bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

**Mental Health Leave**

A District peace officer or a full-time District telecommunicator, as defined by law, who experiences a traumatic event in the scope of employment shall be granted a maximum of one day of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Superintendent shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which an eligible employee may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

**Quarantine Leave**

A District peace officer shall be granted quarantine leave when ordered by the local health authority or the peace officer's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Superintendent shall develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

**Line of Duty Illness or Injury Leave of Absence**

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.

**Family and Medical Leave**

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

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**Note:** See DECA(LEGAL) for provisions addressing FMLA.

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| Twelve-Month Period                    | For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.   |
| Combined Leave for Spouses             | When 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. |
| 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.  |
| Certification of Leave                 | When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.   |
| Leave at the End of Semester           | When 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.   |

**Temporary Disability Leave**

Any professional 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(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

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

**Workers' Compensation**

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**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.

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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.

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| No Paid Leave Offset | The District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE] |
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**Military Leave for  
National Emergency**

In addition to the 15-day leave of absence provided by law to employees engaged in authorized military training or duty as part of a short-term military leave [see DECB(LEGAL)], the District shall provide such employees with continued salary and benefits from the 16th day until the 90th day of training or duty during a national emergency.

In the event that the national emergency should extend beyond 90 days, the Board shall consider an extension of the paid leave.

**Court Appearances**

Absences due to compliance with a valid subpoena, court appearances for which the employee must appear on a specified day, or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Other absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

**Expiration of  
Available Leave and  
Attendance Policy**

After an employee has exhausted all paid and unpaid approved leave, which runs concurrently and for which the employee is eligible, the District shall provide the employee written notice at the last known home address that his or her leave has expired. At that time, the employee shall be informed of Board policy governing other leave options. Within 15 days, an employee must apply for any other leave for which he or she may be eligible or must notify the District in writing that the employee is ready, willing, and able to return to work, accompanied by a medical clearance showing that the employee is able to perform the essential functions of his or her position, given reasonable accommodations if necessary.

Maximum leave allotment for professional employees is 180 calendar days. Maximum leave for paraprofessional and auxiliary employees is 60 workdays for FML.

A contract employee who does not apply for and receive approval for additional leave and who does not report and document his or her availability and fitness to return to work within the time set forth above shall resign or shall be deemed to be in repeated and continued neglect of duties and shall be subject to termination.

At-will employees, who do not apply for and receive approval for additional leave, and who do not report and document their availability and fitness to return to work within the time set forth above, shall be deemed to have resigned their positions with the District effective upon the expiration of the 15-day period set forth above. At the expiration of available paid leave and/or unpaid leave, the District shall offer COBRA benefits as required by law.