

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS

FAMILY

The following definitions apply to sick leave accrued before May 30, 1995, local sick leave, and state personal leave.

The term "family" shall include:

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, for which the employee needs to be absent.

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.

Assignments to seasonal work, substitute, temporary, summer school, tutorial, overtime, or additional days relating to extra performance pay shall not earn leave. Employees may not use available leave to cover absences for such assignments.

SCHOOL YEAR

The "school year" is the period between July 1 and June 30.

YEAR OF
CREDITABLE
SERVICE

A "year of creditable service" is:

1. Employment for at least 90 full-time workdays of the school year; or
2. Employment for at least 180 days of the school year for at least 50 percent but less than 100 percent of the normal workday.

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

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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 for all regular employees. Temporary employees and substitutes shall not be eligible to earn leave.

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.

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:

1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.

EMPLOYED FOR
FULL YEAR

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 pay in accordance with administrative regulations.

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 (subject to #3, below).
2. For positions for which a substitute is not normally required, leave shall be recorded in two-hour increments (subject to #3, below).
3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments (supersedes #1 and #2, above).

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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 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 catastrophic 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 three consecutive work-days 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)]

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

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 of leave shall be for the employee's own illness, illness in the employee's immediate family, emergencies, death in the employee's immediate family, or situations, occurrences, or incidents that prevent the employee from reporting to work. Non-discretionary use of leave allows very little, if any, advance planning, and the leave shall be granted in these cases.

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 state 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 at least 24 hours in advance for each day of planned absence. 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.

In order to preserve the continuity of the instructional program, discretionary use of leave shall not be allowed in the following circumstances:

- The first day of instruction;
- The last day of instruction;
- The day before a school holiday;
- The day after a school holiday;
- Days scheduled for end-of-semester or end-of-year examinations;

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- Days scheduled for state-mandated assessments; or
- Professional or staff development days.

DURATION OF
LEAVE

Discretionary use of state personal leave shall not exceed five consecutive workdays per semester or a maximum of ten workdays per payroll year, except where the absence would not have a serious effect on the educational program or District operations as determined by the Superintendent or designee.

LOCAL SICK LEAVE

Each employee shall earn a maximum of up to eight paid local sick leave days per school year in accordance with administrative regulations based on the following: employment status/position, number of days or hours worked, and seniority of the employee.

Local sick leave shall accumulate without limit.

Local sick leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year, except that an employee may contribute local sick leave to the catastrophic sick leave bank. [See DEC(LEGAL)]

An employee may also use local leave for absences related to the birth or placement of a child when leave is taken within the first year after the child's birth, adoption, or foster placement.

**DISTRICT
CATASTROPHIC
EVENT PAID
ADMINISTRATIVE
LEAVE**

BEGINNING APRIL 30, 2017, THE PROVISION IN THIS SECTION SHALL BE APPLICABLE TO DISTRICT EMPLOYEES WHO DURING THE COURSE AND SCOPE OF THEIR EMPLOYMENT ARE DIRECTLY INVOLVED IN A DISTRICT CATASTROPHIC EVENT, AS FOLLOWS: THE EMPLOYEE SHALL BE ELIGIBLE FOR UP TO TEN (10) DAYS OF DISTRICT CATASTROPHIC EVENT PAID ADMINISTRATIVE LEAVE IN THE EVENT OF A DISTRICT CATASTROPHIC EVENT. IF EMPLOYED BY THE DISTRICT, THE EMPLOYEE'S SPOUSE, CHILD, AND PARENTS SHALL BE ELIGIBLE FOR UP TO TEN (10) DAYS OF DISTRICT CATASTROPHIC EVENT PAID ADMINISTRATIVE LEAVE IN THE EVENT OF A DISTRICT CATASTROPHIC EVENT RESULTING IN THE EMPLOYEE'S DEATH. THE SUPERINTENDENT IS AUTHORIZED TO GRANT THIS DISTRICT CATASTROPHIC EVENT PAID ADMINISTRATIVE LEAVE. THE SUPERINTENDENT SHALL REPORT TO THE BOARD ANY LEAVE GRANTED UNDER THIS PROVISION ON OR BEFORE THE NEXT REGULAR BOARD MEETING.

PAID
DEVELOPMENTAL
LEAVE OF ABSENCE

The Board has chosen to exercise, under specific conditions described below, the option provided by state law [see DEC(LEGAL), DEVELOPMENTAL LEAVES OF ABSENCE] to grant a paid developmental leave of absence to a "qualified educator" who is defined

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as an employee working in a position requiring a permanent teaching certificate and who has served in the District at least five consecutive school years.

ELIGIBILITY	To be eligible for a paid developmental leave of absence, a qualified educator must be accepted for admission to the Doctor of Education in Educational Leadership and Administration program or the Doctor of Philosophy in Teaching, Learning, and Culture program at the University of Texas at El Paso. Only qualified educators who are enrolled to study in one of these programs may apply for a paid developmental leave of absence.
LENGTH OF PAID LEAVE	A paid developmental leave of absence shall be granted on a one-time basis and only for the first semester of study in this program during which time the educator is enrolled in the core and academic residency portion of the program.
CONDITIONS	An employee who is approved and enrolled in an eligible doctoral program shall be required to work one-half of the regular workday during the semester that he or she is completing the residency requirement on a paid developmental leave. During this semester, the employee shall receive his or her full regular salary and benefits. However, any additional time off necessary or required, beyond the paid developmental leave, to meet the program requirements shall require the approval of the Superintendent or designee.
UNPAID LEAVE FOR STUDY	If considerable time off is required and if that time off would interfere with the employee's job or job performance, the employee may have to request an unpaid leave of absence for professional study.
ADDITIONAL UNPAID LEAVE OF ABSENCE	An unpaid leave of absence in addition to the leaves of absence described above may be granted to an employee who has completed one or more years of successful employment with the District. The granting of an unpaid additional leave of absence is entirely discretionary and based upon the individual merits of the case.
AUTHORITY OF SUPERINTENDENT	The Board delegates to the Superintendent or designee the authority to grant unpaid additional leaves of absence to eligible employees, in accordance with the following provisions, for the following reasons:
PERSONAL ILLNESS	<ol style="list-style-type: none">1. The employee's written request must be accompanied by a doctor's statement, and the medical release to return to duty shall be submitted before the employee reports back to work. When granted, this leave shall run concurrently with family and medical leave. For certified employees who are eligible for the temporary disability leave provided by Education Code

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21.409, temporary disability, unpaid additional leave, and family and medical leave shall run concurrently.

Accordingly, an employee who takes family and medical leave and later is granted an additional leave of absence for personal illness shall count the days taken during the family medical leave (and temporary disability leave if applicable) as part of the total number of days allowed during the unpaid additional leave.

PROFESSIONAL STUDY OR TRAVEL	<p>2. An employee who has been issued a term or continuing contract may be granted an additional unpaid leave of absence to pursue professional study, to study in a foreign country, or for extensive travel that would aid the employee in the performance of his or her assignment.</p> <p>An employee not on a term or a continuing contract may be granted an unpaid leave for professional study or travel, provided the employee has completed four years of continuous satisfactory service to the District.</p>
EXTREME HARDSHIP	<p>3. An employee may be granted an unpaid additional leave of absence if it involves the welfare of a member of the employee's immediate family.</p>
APPEAL TO BOARD	<p>The Superintendent's or designee's decision against granting an unpaid additional leave of absence to an employee shall be appealable to the Board. [See DGBA(LOCAL)]</p>
LENGTH OF LEAVE	<p>An unpaid additional leave of absence may be approved one semester at a time, for a period of up to two years for each qualifying event, up to a maximum of four years for all reasons combined during the course of an employee's entire career with the District.</p> <p>If an employee who is approved for an unpaid additional leave of absence for personal illness returns to active duty prior to the maximum two years allowed and later experiences a recurrence of the illness, he or she may request that the unpaid additional leave of absence be reinstated until the full two years are used.</p>
RETURN TO DUTY AFTER PAID LEAVE	<p>In addition to the provisions for restoration to a position following FMLA leave, the position of an employee who is out on a paid leave of absence covered by paid sick leave or personal leave shall be held until all such paid leave has been exhausted. Upon return to duty, the employee shall be restored to the previous position, provided that the employee was covered by paid personal leave or sick leave for the duration of the absence.</p>
RETURN FROM UNPAID LEAVE— CERTIFIED CONTRACTUAL	<p>A certified contractual full-time employee returning from an extended unpaid leave of absence other than family and medical leave must notify the associate superintendent for human resources of a desire to return to active duty at least 30 days prior to</p>

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the expected date of return. The notice must be accompanied by a physician's statement, if applicable, indicating the employee's ability to resume work.

The returning employee shall be entitled to an assignment within the District equivalent to the assignment vacated when he or she was placed on leave, subject to the availability of a suitable position and subject to all Board policies regarding the filling of vacancies and assignments. [See DEC(LEGAL)]

RETURN FROM
UNPAID LEAVE—
NONCERTIFIED /
NONCONTRACTUAL

Noncertified or noncontractual full-time employees who return from an extended unpaid leave of absence other than family and medical leave must notify the associate superintendent for human resources of a desire to return to active duty at least 30 days prior to the expected date of return. The notice must be accompanied by a physician's statement, if applicable, indicating the employee's ability to resume work.

The returning employee shall be given every consideration for a position over an applicant who is new to the District.

EXTENSION OF
UNPAID LEAVE OF
ABSENCE

A request for an unpaid additional leave of absence, or for an extension thereof, shall be in writing and must present facts that merit the request. A request for leave for the fall semester shall be filed in writing by August 1. A similar request for the spring semester shall be filed in writing by December 18. Requests filed after these deadlines may be considered only if there are extenuating circumstances.

An employee who is granted an unpaid additional leave of absence has no vested right in any particular assignment and cannot expect to be returned to the position held prior to the leave. Such individual shall be subject to assignment to a suitable position available at the time he or she returns to active duty.

An employee on an unpaid additional leave of absence may choose to continue the group life and health insurance plans by making payments in advance. [See CRD(LOCAL)]

CATASTROPHIC SICK
LEAVE BANK

The District has established a catastrophic sick leave bank to benefit employees who are faced with extended absences due to catastrophic or long-term illness or injury to an employee or to a member of the employee's immediate family.

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.

Employees may join through the contribution of local sick leave or state personal leave. An employee who wishes to contribute paid leave shall execute an authorization for the paid leave assignment

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to the catastrophic sick leave bank. Days shall be contributed to the bank and withdrawn from the bank without regard to the daily rate of pay of the employee. The contribution shall be limited to no more and no less than two days [see DEC(EXHIBIT)]. The two days must be taken from available local sick leave days or from state personal leave days accrued on or after June 1, 1995.

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:

1. The employee experiences a catastrophic illness or injury, the employee has exhausted all paid leave and is reasonably certain to be incapacitated and unable to perform his or her duties as an employee of the District for 20 workdays within one year as a result of such illness or injury; or
2. A member of the employee's immediate family experiences a catastrophic illness or injury that incapacitates that family member, the employee has exhausted all paid leave, and the incapacity of the family member requires that the employee take time off from work for a period of 60 consecutive workdays.

For the purpose of this policy, a "day" shall be any day an employee is expected to be on duty.

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;
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 administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other requirements and procedures deemed necessary or advisable for the operation of the sick leave bank.

APPEAL

An employee dissatisfied with any action taken or decision made by the District may submit a Level II appeal to the Superintendent pursuant to DGBA(LOCAL). A request for an appeal shall not be considered by the Superintendent unless the request is submitted

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	no later than ten workdays after the action or decision in question is received by the employee.
FAMILY AND MEDICAL LEAVE	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.
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	Upon request for FMLA leave for the employee's serious health condition or that of a spouse, parent, or child, the employee shall provide certification (and recertification as needed upon District request), in accordance with 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.]

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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.

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.]

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. The employee may also be eligible for unpaid leave of absence due to personal illness.

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, even while on FMLA leave. If the employee elects to use accumulated leave, the amount normally paid for such leave shall be coordinated with the amount of temporary income benefits (TIBs) paid to the employee so that the sum of the amount of TIBs and paid leave received equals the employee's pre-injury wage rate.

[See CRE]

COURT
APPEARANCES

Absences due to compliance with a valid subpoena (and not related to an employee's personal business) or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

The employee shall be required to present documentation of jury duty and shall be allowed to retain any compensation for the jury duty.

OTHER COURT
APPEARANCES

Absences for court appearances and other legal proceedings related to an employee's personal business, whether in compliance with a subpoena or not, shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

PAYMENT FOR
ACCUMULATED LEAVE
UPON SEPARATION

At the time of employment separation, an employee who has at least five years of service with the District shall be paid one-half of the unused leave to his or her credit based on the salary or wages for the last year of employment if:

1. The employee is retiring in accordance with the Teacher Retirement System (TRS) provisions;

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2. The employee resigns and is eligible to retire under TRS but elects not to accept retirement benefits from TRS; or
3. At the time of death, the employee was actively employed by the District and was eligible to retire under TRS provisions. In conforming to this last provision, payment shall be made to the employee's estate.

EMPLOYEES
HIRED ON OR
AFTER JULY 1,
2014

Employees hired on or after July 1, 2014, shall not be eligible for payment of any unused accumulated leave upon separation from the District.

NEUTRAL ABSENCE
CONTROL POLICY

At no time may an employee elect to be absent from duty and charge the absence to "absent without pay," without the prior approval of the employee's supervisor. A request to be "absent without pay" must be submitted to the principal or immediate supervisor in writing at least 24 hours in advance for each day of the planned absence. Supervisors must notify the employee whether or not the absence is approved.

Employees shall be expected to report to work every assigned workday unless they must be absent for one of the approved reasons discussed in this policy. Unauthorized absences, including absences after all available leave has been exhausted, shall be considered job abandonment and shall be grounds for termination of employment.

If an employee does not return to work after exhausting all available paid and unpaid leave, the District shall provide the employee written notice that he or she no longer has leave available for use. The District shall automatically pursue termination of an employee who has exhausted all available leave, regardless of the reason for the absence [see DF series]. The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA(LEGAL)], shall be considered before termination. If terminated, the employee may apply for reemployment with the District.