

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.

Definitions

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

Immediate Family

The term "immediate family" is defined as:

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, 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.

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

A "school year" for purposes of earning, using, or recording leave shall mean the period between July 1 and June 30, whether full-time or part-time.

**Year of Creditable
Service**

A "year of creditable service" is:

1. Employment for at least 90 full-time workdays of the school year; or

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2. Employment for at least 180 days of the school year for at least 50 percent but less than 100 percent of the normal work-day.

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.

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

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.

State Leave

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.

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

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 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.

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; 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 the employee requests FMLA leave for military caregiver leave purposes.

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)]

In addition to the reasons provided in DEC(LEGAL), nondiscretionary use of leave shall be situations, occurrences, or incidents that prevent the employee from reporting to work. Nondiscretionary use of leave allows very little, if any, advance planning, and the leave shall be granted in these cases.

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

Request for Leave The employee shall submit a written request for discretionary use of state personal leave, to the supervisor at least 24 hours in advance. In deciding whether to approve or deny 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.

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

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- 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;
- 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 leave shall accumulate without limit.

Local 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 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 The following provisions are applicable to a District employee who, during the course and scope of his or her employment, is directly involved in a District catastrophic event, as follows:

1. The employee shall be eligible for up to ten days of District catastrophic event paid administrative leave in the event of a District catastrophic event.
2. If employed by the District, the employee's spouse, child, and parents shall be eligible for up to ten days of District catastrophic event paid administrative leave in the event of a District catastrophic event resulting in the employee's death.
3. 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.

**EMPLOYEE EMERGENCY
LEAVE DONATION POOL**

THE EMPLOYEE EMERGENCY LEAVE DONATION POOL IS A BENEFIT TO ASSIST EMPLOYEES IN DEALING WITH CATASTROPHIC ILLNESS OR INJURY OF THE EMPLOYEE OR THE SPOUSE, PARENT, OR CHILD OF THE EMPLOYEE, THAT REQUIRES THE EMPLOYEE TO EXHAUST ALL PAID LEAVE, AS WELL AS ANY APPLICABLE COMPENSATORY TIME, NONDUTY DAYS, AND DISTRICT CATASTROPHIC EVENT PAID ADMINISTRATIVE LEAVE. THE POOL ALLOWS EMPLOYEES (CONTRIBUTORS) TO TRANSFER ACCUMULATED LOCAL LEAVE TO ANOTHER DISTRICT EMPLOYEE (RECEIVER).

THE CONTRIBUTOR MUST SUBMIT A "REQUEST FOR DONATION OF LEAVE HOURS" FORM SPECIFYING THE EMPLOYEE'S (RECEIVER) NAME AND THE AMOUNT OF DONATED LEAVE HOURS IN ACCORDANCE WITH ADMINISTRATIVE REGULATIONS. IF APPROVED, THE DONATED HOURS WILL BE TRANSFERRED FROM THE CONTRIBUTOR'S ACCUMULATED LOCAL LEAVE BALANCE TO THAT OF THE RECEIVER'S UNDER A DESIGNATED CATEGORY.

DONATED HOURS RECEIVED BY AN EMPLOYEE SHALL NOT EXCEED 240 OR 30 DAYS PER SCHOOL YEAR AT RECIEVER'S RATE OF PAY. DONATED HOURS ARE SOLELY VOLUNTARY, AND CONTRIBUTOR MUST SIGN THE EMPLOYEE EMERGENCY LEAVE DONATION FORM.

THE DOLLAR VALUE OF THE HOURS DONATED TO RECIEVER SHALL EQUAL THE DOLLAR VALUE OF THE HOURS DONATED BY THE CONTRIBUTOR.

THE SUPERINTENDENT SHALL DEVELOP REGULATIONS TO GOVERN THE EMPLOYEE EMERGENCY LEAVE DONATION POOL

DONATED HOURS SHALL ONLY BE USED TO COMPENSATE FOR HOURS MISSED BY A RECIPIENT THAT OCCUR AFTER THE POOL HAS BEEN APPROVED BY THE BOARD.

Local Parental Leave

After all available paid leave days and any applicable compensatory time have been exhausted, a full-time employee shall be eligible for a maximum of ten days of paid local parental leave to be used for the birth or adoption of the employee's own child during

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the twelve-month period immediately following the birth or adoption.

A written request for local parental leave shall be made to employee benefits.

Peace Officers

**Mental Health
Leave**

A District peace officer who experiences a traumatic event in the scope of employment shall be granted a maximum of five days 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 a peace officer 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 any leave balance.

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

1. Continuation of all employment benefits and compensation, including leave accrual, TRS retirement contributions, and health benefit plan benefits for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation; and
3. Other procedures deemed necessary for administering this provision.

**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 as an em-

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	<p>ployee working in a position requiring a permanent teaching certificate and who has served in the District at least five consecutive school years.</p>
Eligibility	<p>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.</p>
Length of Paid Leave	<p>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.</p>
Conditions	<p>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.</p>
Unpaid Leave for Study	<p>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.</p>
Additional Unpaid Leave of Absence	<p>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.</p>
Authority of Superintendent	<p>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:</p>
<i>Personal Illness</i>	<p>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</p>

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disability leave provided by Education Code 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*

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.

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.

*Extreme
Hardship*

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.

Appeal to Board

The Superintendent's decision against granting an unpaid additional leave of absence to an employee may be appealed in accordance with DGBA(LOCAL).

Length of Leave

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.

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.

Return to Duty After
Paid Leave

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.

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Return from Unpaid
Leave—Certified
Contractual

A certified contractual full-time employee returning from an extended unpaid leave of absence other than family and medical leave must notify the **CHIEF HUMAN CAPITAL MANAGEMENT OFFICER** ~~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 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 **CHIEF HUMAN CAPITAL MANAGEMENT OFFICER** ~~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 must be submitted before each semester begins. 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 **THROUGH COBRA (IF ELIGIBLE)** ~~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 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 leave days. The two leave 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.

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 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

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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 no later than ten workdays after the action or decision in question is received by the employee.

Family and Medical Leave

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

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

Twelve-Month Period

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.

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.

Fitness-for-Duty Certification

In accordance with administrative regulations, when 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.

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

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

Paid Leave Offset

The District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

Court Appearances

Absences due to compliance with a valid subpoena 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;
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 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.

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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 employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA(LEGAL)], shall be considered before termination.

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