

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 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 for the current year available for use at the beginning of the school year. Local leave shall be made available after an employee has worked at least one week of the employment 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.

**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 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)]

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.

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*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.

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

*Schedule  
Limitations*

Discretionary leave shall not be allowed on the day before or the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for state-mandated assessments, professional or staff development days, or the end of a grading period. A request for an exception to the general rules shall be presented in writing to the assistant superintendent of human resources prior to the absence.

**Local Leave**

Each employee shall earn five, six, or seven paid local leave days per school year in accordance with the following schedule and administrative regulations:

- Ten-month positions: Five days
- Eleven-month positions: Six days
- Twelve-month positions: Seven days

Local leave shall accumulate without limit.

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

Upon separation from employment, an employee's local leave balance shall be reduced to zero.

**Extended Sick Leave**

After all available paid leave days and any applicable compensatory time have been exhausted, an employee may use extended sick leave earned prior to the 1986-87 school year. Extended sick leave shall carry over each year until it is used or the employee separates from employment with the District.

The District shall deduct the average daily rate of pay of a substitute for the employee's position for each day of extended sick leave taken, whether or not a substitute is employed.

**Sick Leave Bank**

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

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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

An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

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 two 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

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	<p><u>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.</u></p> <p><u>The Superintendent shall develop regulations regarding quarantine leave that address the following:</u></p> <ol style="list-style-type: none"><li><u>1. Continuation of all employment benefits and compensation for the duration of the leave;</u></li><li><u>2. Reimbursement for reasonable costs related to the quarantine; and</u></li><li><u>3. Other procedures deemed necessary for administering this provision.</u></li></ol>
<b>Family and Medical Leave</b>	<p>FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.</p> <hr/> <p><b>Note:</b> See DECA(LEGAL) for provisions addressing FMLA.</p> <hr/>
Twelve-Month Period	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.
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.
<b>Temporary Disability Leave</b>	Any full-time employee shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be

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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.

**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.

**Payment for  
Accumulated Leave  
Upon Retirement**

The following leave provisions shall apply to state and local leave accumulated beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for payment for accumulated state and local leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee is eligible for retirement under the Teacher Retirement System of Texas (TRS).
3. The employee provides advance written notice of intent to retire. Contract employees must provide written notice at least 90 days before the last day of employment. Noncontract employees must provide written notice at least two weeks before the last day of employment.
4. The employee has at least ten consecutive years of service with the District immediately preceding retirement.

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The employee shall receive payment for each day of accumulated state and local leave.

An employee with less than 25 years of service in the District shall receive payment for each day of accumulated state and local leave at a rate of \$75 per day for auxiliary personnel and \$100 per day for professional personnel.

An employee with at least 25 years of consecutive service in the District immediately preceding retirement shall receive payment at the employee's current daily rate of pay for the first 50 days of accumulated leave and shall receive payment at a rate of \$75 per day for auxiliary personnel and \$100 per day for professional personnel for accumulated leave exceeding 50 days.

If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

**Payment for  
Accumulated Leave  
Upon Separation**

The following leave provisions shall apply to local leave accumulated beginning on the original effective date of this program.

An employee who separates from employment with the District shall be eligible for payment for accumulated local leave under the following conditions:

1. The employee's separation from employment is voluntary, i.e., the employee is resigning and is not being discharged or non-renewed.
2. The employee provides advance written notice of intent to separate from employment at least two weeks before the last day of employment.
3. The employee has at least ten consecutive years of service with the District immediately preceding separation of employment.

The employee shall receive payment for each day of accumulated local leave, at a rate of \$35 per day for auxiliary personnel and a rate of \$45 per day for professional personnel. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.



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**Failure to Return to Work**

In the event that an employee fails to return to work as soon as he or she is released by his or her physician to perform regular duties or light duty, as applicable, the contractual employee shall resign, or such failure shall be deemed to be repeated and continued neglect of duties on the part of the employee.

In this event for a noncontractual employee, he or she shall be deemed to have resigned the position with the District and to have waived any and all rights to further employment by the District.

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

**Working While on Leave**

While on any type of leave status with the District, the employee may not perform work in any capacity except as approved by the director of human resources/employee services as part of an approved return-to-work or transitional duty assignment in the District.

Working during a leave of absence shall be considered a violation of the District's leave policy and may be grounds for immediate termination of at-will employees or recommendation of termination for contract employees.

**Frequent or Prolonged Absence**

The employee's immediate supervisor shall report all absences in excess of ten days in a school year to the human resources department. All absences in excess of ten days shall be investigated by the human resources department if the leave was not approved as family and medical leave, temporary disability leave, or state personal leave. The human resources department shall make recommendations to the Superintendent for action if necessary.

Any employee who is absent three or more days must make personal phone contact with his or her immediate supervisor no later than the third day of absence unless there are extenuating circumstances. Failure to make contact may result in termination due to job abandonment for at-will employees and recommendation for termination of contract employees.

**Sanctions for Abuse**

All employee leave shall be provided for the specific purpose stipulated in this policy and is not intended to be used as a vacation or for mere convenience. Except for discretionary state personal leave, documentation may be required for any absence at the discretion of the Superintendent or immediate supervisor. Abuse of the employee leave program is a violation of District policy and may result in disciplinary action up to and including loss of pay, suspension, demotion, or termination of employment.