

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

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 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, 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.

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. 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.

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.

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LEAVE PRORATION EMPLOYED FOR LESS THAN FULL YEAR	<p>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.</p> <p>If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:</p> <ol style="list-style-type: none"><li>1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and</li><li>2. Local leave the employee used but had not earned as of the date of separation.</li></ol>
EMPLOYED FOR FULL YEAR	<p>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.</p>
RECORDING	<p>Used leave shall be recorded:</p> <ol style="list-style-type: none"><li>1. In half-day increments for all employees.</li><li>2. In one-hour increments, if the employee is taking intermittent FMLA leave.</li></ol>
ORDER OF USE	<p>Earned compensatory time shall be used before any available paid state and local leave. [See DEA]</p> <p>Available leave shall be used in the order determined by each employee.</p>
CONCURRENT USE OF LEAVE	<p>When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave, regardless of whether the employee has requested FMLA leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.</p> <p>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.</p>
MEDICAL CERTIFICATION	<p>An employee shall submit medical certification of the need for leave if:</p> <ol style="list-style-type: none"><li>1. The employee is absent more than three consecutive work-days because of personal illness or illness in the immediate family;</li></ol>

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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, or the District makes a preliminary determination that the employee's situation requires, 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

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

All state and local leave days may be used without limitation on the number of consecutive days, except as specified, for the following reasons:

NON-  
DISCRETIONARY  
USE

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Death in the employee's immediate family.
5. During military leave.

These are the same reasons as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

The District limits absences for death in the employee's immediate family to no more than five consecutive workdays per occurrence.

Non-discretionary use of state personal leave and local leave also 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 personal or local leave shall be limited to three consecutive workdays at a time with advance approval of the employee's supervisor or designee. In deciding whether to approve or deny a request for discretionary use of 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,

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however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

In the best interest of the District and in view of the difficulties experienced in providing substitutes, discretionary use of leave shall not be permitted on the first and last two days of a semester, all days scheduled for state-mandated assessments at the employee's campus, and professional staff development days.

As mentioned above, discretionary use of state personal or local leave shall not exceed three consecutive workdays. Effective on the first workday of the 2013–14 school year, discretionary use of leave shall be limited to no more than five workdays in a semester and no more than ten workdays in a school year.

LOCAL LEAVE

All employees shall earn paid local leave days per school year in accordance with administrative regulations and this policy.

A ten-month employee shall earn three paid local leave days per school year. An 11-month employee shall earn three and one-half paid local leave days per school year. A 12-month employee shall earn four paid local leave days per school year.

Local leave shall accumulate to a maximum of 100 leave days.

Local leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]

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 or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

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, 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;

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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 in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

FAMILY AND MEDICAL  
LEAVE

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.

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 or the District makes a preliminary determination that the employee's situation requires FMLA 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 shall require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]

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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 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 or designee as a request for temporary disability 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. [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.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

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.

MOONLIGHTING OR  
OTHER WORK WHILE  
ON LEAVE

Taking another job or working at another job while on FMLA leave or any other paid or unpaid leave pursuant to District policy, if the reason for the leave is covered by FMLA or is otherwise because of the illness or injury of the employee or family member, is prohibited and shall be grounds for disciplinary action, up to and including termination in accordance with applicable policy.