

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(REGULATION)

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).

**Absence from Duty
Guidelines**

The following guidelines will apply when employees are absent from duty:

1. An employee who wishes to use personal leave for discretionary reasons must submit a request to his or her immediate supervisor no less than five (5) calendar days before the anticipated absence.
2. An employee who is requesting an absence due to nondiscretionary reasons must notify the principal or immediate supervisor no later than 7:00 a.m. on the day of absence so that arrangements for a substitute can be made.
3. The District requires medical certification due to a questionable pattern of absences. An employee who is absent for five (5) consecutive days due to a personal illness or an illness in the immediate family must provide appropriate medical documentation to the principal or immediate supervisor. [See DEC (LOCAL)]
4. If an employee's absence is determined to be eligible for family and medical leave, then the Human Resources Department will designate the leave accordingly.
5. Any unapproved absences or absences taken beyond the number of accumulated and available paid leave shall result in deductions from the employee's pay.

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Local Leave

Assignment

All employees shall earn local leave days in accordance with the following:

Job Position	Local Leave
10-month position	5 days
11-month position	6 days
12-month position	7 days

1. Local leave shall accumulate without limit.
2. Local personal leave shall be used according to the terms and conditions of state personal leave. [See DEC(LOCAL)]
3. An employee may begin using paid local leave at the start of each work calendar year and must request any use of their leave before their work calendar year ends.

Status

An employee using full paid leave shall be in paid status. An employee shall not earn any local leave when he or she is in unpaid status.

Recording Leave

Leave shall be recorded as follows:

1. For exempt positions, leave shall be recorded in half-day or full-day increments.
2. For nonexempt positions, leave shall be recorded in half-day or full-day increments to submit the work timesheet based on the employee's assignment.
3. Leave shall be recorded in one-hour increments when required by law for an employee taking approved intermittent FMLA leave.

Records of Leave

A Report of Leave Benefits will be provided to each employee by at the beginning of the school year by the SFDR CISD Payroll Department.

A record of employee leaves and absences will be kept in the Payroll Department.

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Deductions

*Leave Without
Pay*

The District shall not approve paid leave that exceeds the number of awarded leave during the previous and current year. Any unapproved absences or absences taken beyond the number of accumulated and available paid leave shall result in deductions from the employee's pay.

*Unearned
Local Leave*

1. If an employee separates from employment with the District before his or her last duty day of the year, local leave shall be prorated based on the actual time employed.
2. If an employee separates from employment before the last duty day of the school year, and it has been determined that the employee has any unearned local leave at the time of his/her separation from the District, then the employee will reimburse the District for the unused leave through a deduction on his/her final paycheck.
3. If it has been determined that an employee has exceeded the number of awarded local leave at the time of his/her separation from the District, then the employee will reimburse the District for the excess leave used through a deduction from the employee's paycheck.

Order of Use

Earned compensatory time shall be used before any available paid state and local leave. [See DEAB]

Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:

1. Nonduty and paid vacation days, if applicable. [See DED (LOCAL)]
2. Local leave.
3. State sick leave accumulated before the 1995–96 school year.
4. State personal leave.

State Personal Leave

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

*Non-Discretionary
Use*

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 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.

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<i>Discretionary Use</i>	Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.
Limitations	The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance.
<i>Request for Leave</i>	In deciding whether to approve or deny state personal leave, the supervisor will consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.
<i>Duration of Leave</i>	Discretionary use of state personal leave shall not exceed five (5) consecutive workdays except in extenuating circumstances as determined by the Superintendent or designee.
Scheduling Limitations	Discretionary leave shall not be allowed on the following days: 1. The day before a school holiday; 2. The day after a District holiday; 3. Days scheduled for end-of-semester or end-of-year exams, or state-mandated assessments; 4. Professional or staff development days; 5. The employee's last contract day, or when such leave would result in accumulation of work hours beyond the minimum number of assignment hours associated with an employee's position. The Superintendent or designee (employee's principal or assigned supervisor) will approve the use of discretionary leave during non-allowed days described above for special or difficult events such as a wedding, graduation, military training, retirement, or funeral, when these events directly involve an employee's relative by consanguinity or affinity. [See DBE LEGAL] For all other reasons, discretionary leave will not be granted to an employee choosing to be absent from work during the non-allowable days. An employee will be docked pay if he/she takes an unauthorized discretionary leave during a non-allowable workday.

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Family and Medical Leave (FMLA)	The District shall determine an employee's eligibility for Family and Medical Leave (FMLA). FMLA leave shall run concurrently with applicable paid leave and compensatory time as applicable.
<i>Concurrent Use of Leave</i>	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.
<i>Fitness-for-Duty</i>	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. The fitness-for-duty certification must specify the employee's ability to perform essential job functions in relation to his/her assignment. Upon designation of FMLA, the District will issue the employee an FML Designation Notice which will include a description of the employee's essential job functions required for his/her assignment. The employee must consider his/her ability to perform these job functions when consulting with his/her medical provider at the time the Fitness-for-Duty Certification is requested. A Fitness-for-Duty Certification is not required when an employee takes Family and Medical Leave (FML) for the following reasons: 1. Care for a child following birth, adoption, or foster care placement; 2. Care for a family member; or 3. Qualifying exigency leave.
<i>Payment of Benefit Premiums</i>	In lieu of cancelling an employee's group health insurance coverage, the District shall pay the employee's share of the premiums during FML. Any payments made on behalf of an employee will be recovered from the employee upon return to work through payroll deductions or direct payment.
<i>Reimbursement of Premiums/Failure to Return to Work after Expired FML</i>	An employee is required to reimburse the District any share of health insurance premiums paid on the employee's behalf during FML if he or she does not return to work following unpaid FMLA leave for a reason other than the continuation, recurrence, or onset of the employee or the employee's family member's serious health condition or other circumstances beyond the employee's control [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 and SFDR CISD 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 request for Temporary Disability Leave due to his/her medical condition shall be forwarded to the Superintendent or designee. Temporary disability leave shall apply after all paid leave and compensatory time is exhausted.

**Worker's
Compensation**

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.

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.

Absences for court appearances related to an employee's personal business and not in response to a valid subpoena shall be deducted from the employee's leave or, at the option of the employee, shall be taken as leave without pay.

**Leave Transfer
Program**

A full-time employee may transfer fully paid personal local leave days to another employee who suffers from a catastrophic illness or injury and has exhausted all paid leave and vacation days. A request for transfer of days must be submitted in writing to the governing committee on a District form. The governing committee shall consider all requests for transfer of local days in accordance with the following eligibility requirements:

1. An employee must have accumulated a minimum of 11 days of local leave in order to be eligible to donate and transfer his or her leave.
2. The contributing employee may only donate and transfer his or her local leave to an employee who is of an equivalent or a lesser pay grade.

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	3. An employee may transfer up to ten days of local leave to an eligible employee per school calendar year.
<i>Limitations to Leave Transfers</i>	Effective September 1, 2016, the total number of days transferred must not lower the contributing employee's total accumulation of local leave below ten days. An eligible employee may receive no more than 30 local leave days per school year.
<i>Leave Transfer Governing Committee</i>	The leave transfer program shall be administered by a governing committee appointed by the Superintendent. The governing committee shall meet, as needed, to consider leave transfer requests, and shall approve or deny requests in accordance with this regulation. The committee chairperson shall process all approved requests for transfer days and forward them to the Superintendent.
<i>Composition of the Committee</i>	The governing committee shall be composed of five members appointed by the Superintendent and they shall consider all requests for transfer days with deductions.
<i>Voting Members</i>	Voting members shall be: 1. One professional representative from the elementary, middle school, and high school levels. 2. One educational support person. 3. One central or campus-level administrator.
<i>Nonvoting Members</i>	Nonvoting members shall be: 1. The chief human resources officer and the chief financial officer, who shall serve as advisers to the committee. 2. The payroll supervisor and/or a representative, who shall serve as the chairperson to the committee.
<i>Duties and Responsibilities of the Committee</i>	The duties and responsibilities of the committee shall be to: 1. Review employee requests and, if possible, request that the recipient or a representative appear before the committee to substantiate the request; 2. Determine the number of days to be granted per request; 3. Respond in writing to employee requests within 15 days of the request; 4. Vote by secret ballot on each request; and 5. Meet as necessary.

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<i>Appeal</i>	If an employee's request for transfer days is denied, the employee may file an appeal with the chairperson within ten calendar days and request to appear before the committee. All further appeals regarding the implementation of the District's leave transfer program may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.
Peace Officers Mental Health Leave	A traumatic event is an incident or event that causes physical, emotional, or psychological harm. The person experiencing the distressing event may feel physically threatened or extremely frightened as a result. Traumatic events are characterized by a sense of horror, helplessness, serious injury, or the threat of serious injury or death. A traumatic event does not include an employee's reaction to legitimate personnel action, including transfer, promotion, demotion, disciplinary action (e.g. verbal or written warning), or termination.
<i>Number of Days</i>	A peace officer who experiences a traumatic event in the scope of employment is entitled to a maximum of three (3) days of paid leave per event.
<i>Request for Days</i>	A peace officer must submit a written request for mental health leave to the Chief of Police and the Human Resources Officer. The Chief Human Resources Officer will notify the employee in writing regarding approval or denial of the request.
<i>Medical Certification</i>	Medical certification by a health care provider as defined by the Family and Medical Leave Act, must be submitted with a request for peace officer mental health leave.
<i>Confidentiality</i>	All requests, including the circumstances that lead to the request, will be treated as confidential information. Supervisors will be informed when leave is approved, but other details will not be shared.
<i>Coordination with Worker's Compensation</i>	All requests for leave will be coordinated with the workers' compensation office or specialist to ensure a first report of injury is filed, as appropriate.
<i>Resources</i>	When an officer requests leave, the HR department will provide a list of available local mental health services and resources the officer may use.
Peace Officers Quarantine Leave	A peace officer who is ordered by the local health authority, medical provider, or supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty is entitled to paid leave for the period specified in the order.

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Order to Quarantine A supervisor for purposes of authorizing quarantine leave is limited to the Chief of Police or Superintendent.

An employee requesting leave is required to provide certification from the local health authority or employee's medical provider to validate the need for leave. If leave is ordered by the Chief of Police or Superintendent, a district form must be submitted to Chief of Human Resources Officer.

Certification by the health care provider may be required to support a medical need of leave.

Reimbursement for Cost of Quarantine A peace officer is entitled to receive all employment benefits and compensation for the duration of quarantine leave and will be reimbursed for medical treatment not covered by insurance excluding co-pay and deductible. In addition, a peace officer may be reimbursed for allowable costs including lodging, mileage, and meal expenses incurred during travel for treatment.

The employee shall request reimbursement from the Human Resources department. The employee must submit a statement with receipts documenting actual expenses to the Chief Human Resource Officer. Expenses will be reimbursed in accordance with U.S. General Services Administration (GSA) guidelines up to the amount of the GSA per diem.