

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. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions related to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

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

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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. Leave shall be recorded in half-day increments for exempt employees, even if a substitute is not employed.
2. Leave shall be recorded in two-hour increments for nonexempt employees, even if a substitute is not employed.
3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
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 DEAB]

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 sick leave pool days shall be permitted only after all available state and local leave has been exhausted.

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

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Limitations

Request for
Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee five days in advance in accordance with administrative regulations. 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.

Duration of
Leave

Discretionary use of state personal leave shall not exceed three consecutive workdays; the employee shall be docked at his or her daily rate of pay for any consecutive days of state personal leave used beyond three.

Local Leave

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

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]

Sick Leave Pool

An employee who has exhausted all paid leave and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate only local leave for use by the eligible employee.

If the employee is unable to submit the request, a member of the employee's family or the employee's supervisor may submit the request to establish a sick leave pool.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent or designee shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and

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4. The return of unused days to donors.

Appeal

All decisions regarding the establishment or implementation of the District's sick leave pool 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 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, 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 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 return to active duty.]

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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.

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. [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.

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

**Reimbursement for
Leave Upon
Retirement**

An employee hired on or after June 1, 2010, shall not be eligible for the reimbursement for leave upon retirement program.

An employee who was employed with the District prior to June 1, 2010, and retires from the District under the provisions of the Teacher Retirement System (TRS) shall be eligible for reimbursement for state and local leave.

Effective with the 2000-01 school year, only accumulated local leave earned during the 2000-01 school year and in subsequent years shall be used to calculate the reimbursement.

For employees continuously employed by the District since before the 2000-01 school year, all accumulated leave, including state sick leave, state personal leave, and local leave, shall be eligible for reimbursement.

An employee shall officially notify the Superintendent in writing of his or her intention to retire. Notification of retirement at the end of the regular school term shall be made by February 15; notification

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of retirement at midterm shall be made by September 16. Failure to provide notification by the required date shall result in forfeiture of benefits under this provision.

An employee with a minimum of five continuous years of service in the District, who has applied for and been approved for immediate retirement benefits under the provisions of TRS, shall become eligible for financial compensation for accrued leave days when notification of retirement is officially acknowledged by the Board. The following schedule shall apply:

Service	Percentage of Leave Days Eligible
10 years or more	100%
9 years or more	90%
8 years or more	80%
7 years or more	70%
6 years or more	60%
5 years or more	50%

Reimbursement for leave upon retirement shall be calculated according to the following rate and prorated in conjunction with all retiree benefits paid in order to ensure that the total cumulative payment to all retirees does not exceed \$60,000 in a fiscal year. Payment shall be made to all eligible retirees at the end of the District's fiscal year, according to the following:

1. For professional personnel:
 - a. Certified substitute rate of pay up to 40 days.
 - b. One-half certified substitute pay for each additional day.
2. For paraprofessional and auxiliary personnel:
 - a. Noncertified substitute rate of pay up to 40 days.
 - b. One-half noncertified substitute rate of pay for each additional day.

If an employee retires under the disability provisions of TRS and receives accrued service benefits from the District, then returns to employment with the District, he or she shall refund to the District, in full, the amount of accrued service benefits received, or the employee shall forfeit all rights to any eligibility for future accrued service benefits for service rendered in the District.

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Disability retirement shall not affect the continuous service status of an employee if he or she returns to employment in the District within the same year in which he or she is removed from disability status with TRS.

Part-Time
Employment in the
District after
Retirement

An employee shall not be reimbursed for accrued leave days more than once. If an employee is reemployed on a part-time basis, a new accrual period shall begin at the time the employee is rehired.

Accrual of leave shall commence during the employment period in the District.

Administration of
Program

Administration of the reimbursement for leave upon retirement program shall be in accordance with procedures developed for the program and approved by the Board. The Board reserves the right to adjust or discontinue the reimbursement for leave upon retirement benefit if and when it is determined to be in the best interest of the District. If for any reason the reimbursement for leave upon retirement benefit is discontinued or adjusted, such action shall not affect any vested benefits.

The District shall limit the total for reimbursement for leave upon retirement for all eligible employees in any given fiscal year to \$60,000. In the event that the District's obligation is greater than \$60,000 for a given fiscal year, the District shall adjust the reimbursement for leave upon retirement formula on a pro rata basis based on the number of days earned so that the total District payment to all eligible employees does not exceed \$60,000.

**Neutral Absence
Control**

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. Subject to its reasonable accommodation obligations under the Americans with Disabilities Act and/or the Texas Commission on Human Rights Act, 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] If terminated, the employee may apply for reemployment with the District.