

Rio Grande City CISD
214901

COMPENSATION AND BENEFITS:
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS

FAMILY

For the purposes of state sick leave accrued before May 30, 1995, and local sick leave, the term "immediate family" shall include:

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, sibling-in-law.
5. Grandparent and grandchild.
6. Any person who may be residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act, the definition of "family" shall include only items 1, 2, and 3 on the above list, but shall exclude son- or daughter-in-law, and parent-in-law.

FAMILY
EMERGENCY

The term "family emergency" shall be limited to natural disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

WORKDAY

An "equivalent workday" for purposes of accumulation, use, or recording shall mean the number of hours per day associated with the employee's usual work assignment, whether full-time or part-time.

STATE PERSONAL
LEAVE - RATE OF
ACCRUAL

Each employee shall earn state personal leave, in equivalent workdays, at the rate of one workday per month of employment, up to the statutory maximum of five workdays annually.

TYPES OF STATE PERSONAL LEAVE Under authority of Education Code 22.003 and to preserve the employee's leave entitlement while minimizing disruption to the instructional program, the Board requires employees to differentiate between uses of personal leave:

DISCRETIONARY

1. To be taken at the individual employee's discretion, subject to limitations set out below.

NON-DISCRETIONARY

2. To be used for the same reasons and in the same manner as state sick leave accumulated prior to May 30, 1995. [See **DEC(LEGAL)**]

USE OF DISCRETIONARY LEAVE

A notice of request for discretionary personal leave shall be submitted to the principal or designee two days in advance of the anticipated absence.

DURATION OF LEAVE

Discretionary personal leave may not be taken for more than three consecutive days, except in extenuating circumstances as determined by the Superintendent.

SCHEDULE LIMITATIONS

Discretionary leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-course exams, days scheduled for TAAS tests, or professional or staff development days.

ADDITIONAL LOCAL LEAVE

All employees shall earn an additional five equivalent workdays of local sick leave per school year, concurrently with state leave.

Local sick leave shall accumulate to a maximum of 30 equivalent workdays and shall be taken with no loss of pay.

In addition, local sick leave may be used for deaths of family members not included in local policy and other emergencies with prior approval from the immediate supervisor.

LEAVE FOR PROFESSIONAL EMPLOYEES

After professional employees have exhausted both state sick leave and local sick leave, they shall be permitted 15 days of local leave with the cost of the substitute in the amount of \$40 per day deducted.

LEAVE REQUEST PROCEDURE

All personnel who are requesting absence from duty for personal reasons must submit an absence from duty request to their immediate supervisor who shall forward the request to the Superintendent for final approval. Approval by the Superintendent for absence from duty does not grant approval to receive regular pay for those days the person is absent. Determination of pay status is based on either state or local supplement, i.e., sick leave, personal leave, illness in the family, death in the family, or emergencies. [See **DEC(EXHIBIT)(LOCAL)**]

**USE AND
RECORDING**

For purposes of personal illness, illness in the immediate family, family emergency, or death in the immediate family, available leave shall be used in the following order:

1. Local sick leave.
2. State sick leave accumulated prior to the 1995-96 school year.
3. State personal leave.

Local sick leave shall be subject to the same terms and conditions applicable to sick leave accumulated prior to the 1995-96 school year, except as otherwise provided by this policy.

Employees shall be charged leave as used even if a substitute is not employed.

Leave shall be recorded in whole workdays and half workdays only, except in accordance with provisions for intermittent leave in the Family and Medical Leave Act.

AVAILABILITY

Leave for the current year shall become available for use as it is earned.

OTHER ABSENCES

Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided. [See DMD(LOCAL)]

**MEDICAL
CERTIFICATION**

An employee absent more than five consecutive workdays because of personal illness shall submit, upon return to work, a medical certification of illness and of his or her fitness to return to work. An employee absent more than five consecutive workdays because of illness in the immediate family shall present, upon return to work, medical certification of the family member's illness.

**HEALTH CARE
PROVIDER**

Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. [See DEC(LEGAL)]

**BEREAVEMENT
(FUNERAL)
LEAVE**

Use of state leave and/or local sick leave for death in the immediate family shall not exceed five workdays per occurrence, subject to the approval of the District.

**FAMILY AND
MEDICAL LEAVE**

The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave shall be defined as July 1 through June 30.

**CONCURRENT
USE OF LEAVE**

The District shall require employees to use family and medical leave concurrently with paid leave and with temporary disability leave if applicable.

COMBINED LEAVE FOR SPOUSES	If both spouses are employed by the District, combined family and medical leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks as determined by the needs of the District.
INTERMITTENT LEAVE FOR CHILD CARE	Use of intermittent family and medical leave shall be permitted for the care of a newborn child or upon the adoption or placement of a child with the employee.
CERTIFICATION OF ILLNESS	Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, and at 30-day intervals thereafter, the employee shall provide medical certification of the illness or disability.
MEDICAL RELEASE	The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.
TEACHER REINSTATEMENT	A teacher desiring to return to work at or near the conclusion of a semester shall be reinstated in accordance with the END-OF-TERM LEAVE section in DEC (LEGAL).
RESIGNATION	If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.
TEMPORARY DISABILITY LEAVE	The maximum length of temporary disability leave for educators shall be 180 calendar days.
LEAVE OF ABSENCE DUE TO ILLNESS	<p>An employee not covered by the temporary disability law who is unable to work because of personal illness or disability and who has exhausted all available sick leave and family and medical leave shall be granted an unpaid leave of absence not to exceed 45 working days.</p> <p>An employee returning to active duty after a leave of absence for temporary disability shall be entitled to an assignment, subject to the availability of a position for which he or she is eligible. In any event, the employee shall be placed on active duty no later than the beginning of the next term.</p>
VIOLATIONS	Any employee found guilty of violating the provisions set forth in the local sick leave plan shall be denied privileges under this and any other local supplement programs.
COURT APPEARANCES	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.

**WORKERS'
COMPENSATION**

An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.

An employee eligible for workers' compensation wage benefits and not on assault leave shall indicate whether he or she chooses to:

1. Receive workers' compensation wage benefits; or
2. Use available paid leave. Workers' compensation wage benefits shall begin when:
 - a. Paid leave is exhausted; or
 - b. The employee elects to discontinue use of paid leave; or
 - c. Leave payments are less than the employee's pre-injury average weekly wage.

**LEAVE OF
ABSENCE FOR
PROFESSIONAL
EMPLOYEES**

A leave of absence not to exceed one year may be granted to any professional employee for the following reasons:

1. Leave may be granted for extended illness of father, mother, or child requiring services of the employee. A statement from a medical doctor may be required. This leave shall run concurrently with FMLA, as applicable.
2. Leave shall be granted for the purpose of furthering the employee's education such as working toward a higher degree or completing certification requirements.
3. Leave may be granted for travel to foreign countries when the plan of travel is submitted to the Board for approval. Such travel is not intended to include brief recreational trips of 30 days or less.

A leave of absence may be granted to persons seeking other employment for a period not to exceed six months and who plan to return for employment provided employment is available.

Only the Board may grant a leave of absence to an employee. In case of an emergency the Superintendent may grant an excused absence from work to an employee for a period not to exceed three days.

Leave may be granted for a period of one year to persons employed in educationally related programs.

WELLNESS PLAN

The District shall reward teachers for their presence in the classroom during the school year under the wellness plan as follows:

	If a teacher is absent:	Wellness pay shall be:
	0 days (two consecutive years)	\$750
	0 days	\$500
	1 day	\$400
	2 days	\$250
	3 days	\$100
	4 days	0

Stipulations governing the wellness plan are as follows:

1. The wellness plan shall apply only to classroom teachers.
2. Absences for school business, jury duty, or military duty do not count as absences under the wellness plan.
3. Teachers who start teaching at the beginning of the second semester shall be entitled to one-half of wellness plan payments.
4. All instructional programs shall pay their teachers for the wellness plan.

RETIREMENT PAY Upon retirement, personnel shall be paid for accrued state sick leave for a maximum of 60 days at a rate of \$50 per day for the first 30 days and \$25 per day for the remaining 30 days.

DATE ISSUED: 11/13/2000

LDU-46-00

DEC(LOCAL)-X

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]