

**OSEA 5.6.22**  
**Counter Proposal**  
**3pm**

**ARTICLE 13**

**LEAVES OF ABSENCE**

A. Temporary ~~Medical Disability~~ Leave

1. Employees who experience illness or injury are eligible for leave until such time as they exhaust their accrued paid leave and, if eligible, their annual leave entitlement under the Family Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA). However, an employee who is temporarily unable to remain in continuous employment **after the exhaustion of contractual and statutory leave** because of extended illness, extended absence due to injury, pregnancy or for other appropriate medical reasons shall be eligible to request temporary ~~medical disability~~ leave. Such leave shall be without pay. Consideration for leave approval will be based on the operational needs of the District.
2. If a temporary ~~medical disability~~ leave is granted, commencement date of the employee's leave shall be established cooperatively by the employee, the physician, the supervisor, and Human Resources. Such decision shall be based solely on the employee's ability to perform all essential job functions which are normally required by his/her assignment. Reinstatement of the employee to his/her assignment shall be determined in the same manner, subject to conditions stated in paragraphs 3 and 4.
3. If a temporary ~~medical disability~~ leave is for one year or less, the employee shall be reinstated to his/ her original position. If the position no longer exists, the returning employee will be assigned the next available position which is similar in duties, assuming the employee meets all other qualifications. If leave extends beyond one year the employee shall be terminated and given opportunity to reapply for employment.
4. A temporary ~~medical disability~~ leave may be granted until the end of the employee's working year, if requested. Extensions of a temporary ~~medical disability~~ leave, when the employee's attending physician attests to his/her inability to perform regularly assigned duties, will be approved at the discretion of the District. If granted, the extension may be for a maximum of one working year.
5. An employee who intends to **return from a temporary medical leave** ~~be reassigned~~ effective at the beginning of a new working year must notify the Administrator of Personnel of the intent to return to work. An employee contracted to work twelve (12) months will need to confirm his/her intention to return to the District ninety (90) days before expiration of the leave of absence. Employees who are contracted to work less than twelve (12) months must provide notice no later than April 1 prior to the beginning of the next contract year. Failure to provide such notice,

or failure to return from leave at its expiration, will be considered a resignation unless such leave has been extended in writing.

6. Benefits accrued prior to being granted temporary **medical disability** leave shall be retained, but additional benefits shall not be accrued while on leave.
7. Completion of three-fourths of a working year (.75 x the number of annual working days) shall be required to receive credit for that year for benefits which are accrued for a year of employment.
8. An employee on temporary **medical disability** leave may continue insurance coverage for the period of the leave subject to the COBRA provisions provided the employee pays the premium to the Payroll Office before the first of each month.

B. Extended Personal Leaves of Absence

1. Classified employees who desire an extended leave of absence shall submit a written request to Human Resources, via the supervisor, for review and determination by the Administrator of Personnel. Employees requesting extended unpaid leave to care for an immediate family member must first apply for Family Medical Leave. When the request for leave is to care for a family member, in which the employee would be eligible to use sick leave, all paid leave must be exhausted before being placed in an unpaid status. If the employee is eligible under FMLA and/or OFLA leave, these leave entitlements shall run concurrently with Extended Leave.
2. Extended leaves of absence are granted without pay or benefits. Those requesting leave must have been employed by the District for a minimum of three continuous years.
3. The employee may continue insurance coverage for the period of the leave subject to COBRA provisions provided the employee pays the premium to the Payroll Office before the first of each month.
4. Upon return from leave, all benefits to which an employee was entitled at the time the employee's leave of absence commenced shall be restored. Completion of three-fourths of a working year (.75 x the number of annual working days) shall be required to receive credit for that year for benefits which are accrued for a year of employment.
5. The employee will be re-assigned to his or her former job classification. If there is no available position within the job classification, the returning employee will be assigned the next available position which is similar in duties, salary and hours, assuming the employee meets all other qualifications.

6. If a leave is for a contract year, an employee must notify the Administrator of Personnel of the intent to return to work. An employee contracted to work twelve (12) months will need to confirm his/her intention to return to the District ninety (90) days before expiration of the leave of absence. Employees who are contracted to work less than twelve (12) months must provide notice no later than April 1 prior to the beginning of the next contract year. Failure to provide such notice, or failure to return from leave at its expiration, will be considered a resignation unless such leave has been extended in writing. If the leave extends beyond one year, the employee will be terminated and given the opportunity to reapply for employment.

#### C. Family Medical Leave

Pursuant to the Federal Family Medical Leave Act (FMLA) and the Oregon Medical Leave Act (OFLA) employees may be eligible for Family or Medical Leave for certain qualifying reasons. Eligibility is based upon length of employment and/or hours worked. Generally, the maximum leave entitlement is twelve (12) work weeks within a rolling backward 12-month period. When the reason for leave is eligible for both FMLA and OFLA, the leave is applied concurrently.

Eligible reasons to apply for Family Medical Leave include:

An employee's own serious medical condition; to provide for an immediate family member with a serious health condition; to care for a newborn infant or newly adopted or foster child; or to care for an employee's child suffering from a non-serious illness or injury; to deal with the death of an immediate family member by arranging and/or attending the funeral or grieving the death; family military and any other FMLA or OFLA designated reason.

The Family Medical Leave Act and Oregon Family Leave Act provide for unpaid time off. However, an employee's accrued paid leave will be applied at the same time as FMLA or OFLA leave until exhausted. It will be paid in the order of sick leave, extended sick leave and then, if, earned, vacation leave. After the exhaustion of paid leave, the remaining leave period will be unpaid.

An employee shall submit a completed Leave of Absence application form to Human Resources at least thirty (30) days prior to the beginning of a foreseeable need for leave. Failure to submit a completed leave request when leave is foreseeable may result in delay or denial of leave.

#### D. Short-term Unpaid Leaves [Up to Thirty (30) Calendar Days]

An employee must first exhaust all other appropriate leave balances to be eligible for unpaid leave days. An employee may request a Short-term Unpaid Leave provided a suitable replacement is available and the leave is neither disruptive to the operation, nor during either the first two (2) or the last two (2) weeks of the school year. However, in an emergency situation a waiver may be granted with the approval of the supervisor and Administrator of Personnel.

Unpaid leaves of up to three (3) days are approved by the principal or department administrator.

When the unpaid leave falls on either or both sides of a recess period or holiday, or is more than three (3) days, the unpaid leave must also be approved by the Administrator of Personnel.

An employee must be in a paid status for one of the first four (4) working days of the month, or on an approved FMLA/OFLA leave, in order to be eligible for the District's monthly insurance contribution. If the employee is in unpaid status for the first four (4) working days of the month, and not on an approved FMLA/OFLA leave, District benefits for that month will be at the employee's expense should he/she wish to continue health insurance.

E. Temporary Military Leave

Time necessary for employees called into temporary active duty of any unit of the United States Reserve shall be granted for a period not exceeding 15 calendar days in any one calendar year provided such obligations cannot be fulfilled on days when school is not in session. To be eligible for such leave the employee must file their military orders with the District at least five (5) days before the leave is to commence. In such cases, an employee who has been employed by the District for at least six months prior to the commencement of his/her temporary leave shall be paid his/her regular pay in addition to any pay which he/she receives from the armed services or National Guard.

F. Bereavement Leave

Up to three (3) days of paid leave shall be granted for death in the employee's immediate family per occurrence. For purposes of this section, immediate family is defined as follows:

1. Spouse/domestic partner of employee;
2. Children, grandchildren or grandparents of the employee or spouse/partner;
3. Mother, father, or person in loco parentis to the employee, sibling of the employee or spouse/domestic partner;
4. Step-relatives of (3) above.

Employees may utilize PTO, vacation or sick leave (as applicable) for the death of an individual not listed above or to extend a bereavement leave beyond the provided three (3) days.