

**BSD 6.15.22**

**Counter Proposal**

**9:00am**

**ARTICLE 12 PERSONAL TIME OFF**

~~Two Six Five and one half (5.5) Two~~ non-cumulative personal time off (PTO) days per year, on regular pay and in increments of full or half shift hours, will be allowed except on District-published blackout days. **One additional PTO day will be provided to employees on a 212 or 222 day contract. Members employed as bus drivers, NS leads, and NS assistants who do not utilize some or all of their PTO days by June 30<sup>th</sup> shall be reimbursed for their unused time at the at the member's hourly rate.**

PTO may be taken in smaller than half shift hour increments with Supervisor approval.

PTO days may be used without explanation and for any reason. Prior notice to the supervisor of one full business day is required during the business week unless the absence follows the weekend or holiday, in which case notice must be provided at least three hours before the end of the employee's previous work shift. If notice is not provided, the days will be changed to unpaid. Usage on blackout days will also be changed to unpaid days.

The only exception to providing notice or using PTO on a blackout day is for unavoidable emergencies, e.g. inclement weather. In these instances, a written statement or District form from the member will be filed with the supervisor and Human Resources as soon as possible but in no cases more than two days after the return to work. The statement will define the emergency negating the required prior notification or the use of PTO on a blackout day.

Personal time off for members who work less than the normal work year shall be prorated in accordance with that member's scheduled work year. Personal time off may be used for leaves when all other paid time is exhausted.

A. Extension of Personal Time Off (PTO)

1. Applies only if the member is not qualified under OFLA or does not have paid leave available. The Family Medical Leave Act/ Oregon Family Leave Act laws allow for employees to use sick leave in the case of an absence due to bereavement. FMLA/OFLA allows up to ten (10) days per qualifying event. For BSD classified employees who may not qualify for FMLA/OFLA, and/or whom sick leave is unavailable, a total of five (5) extended days may be granted for bereavement or critical illness or a combination of both in a school year.
2. A member must first exhaust his or her two (2) personal time off days and other appropriate leave balances to be eligible for extended days. A maximum of five (5) extended days may be granted for bereavement or critical illness or a combination of both in a contract year. A member may make application for an extension in anticipation of the need.

3. The request must be approved by the principal or supervisor and the Administrator for Personnel.
4. Verification establishing the need for the leave must be presented to the principal or supervisor upon request.
5. In case the nature of the extension of personal time off makes this impossible, the statement shall be filed immediately upon return to school.
6. For purposes of extensions, the following definition of immediate family will apply: Immediate family shall mean spouse, domestic partner, children, grandchildren, parents, grandparents, brothers, sisters, parents of the spouse or domestic partner, and those in loco parentis to the employee or employee's spouse, or a member of the immediate household whose official residence is the same as that of the employee or for whom the employee is legally responsible.

B. Application for Personal Time Off (PTO) Donation.

Bargaining unit members on a qualifying District leave resulting from the employee's or an immediate family member's critical illness or injury and who have been in unpaid status for at least five (5) days, may request PTO donation days. The following procedures will be implemented:

1. The bargaining unit member will notify the Association of his/her need for paid leave due to critical illness or injury. This program will not begin until initiated by the bargaining unit member, and will not interfere with member's extended sick leave entitlement if the member chooses not to participate.
2. The Association will notify the Administrator of Personnel of the request to verify eligibility.
3. The Association will solicit days from the bargaining unit. The donation amount shall not exceed the period in which the employee qualifies for long-term disability benefits.
4. Payroll will process the days as instructed by the District after receiving the information from the OSEA President.

C. Guidelines for Personal Time Off Donations

In consideration of the extenuating circumstances, donation of personal time off days from OSEA members will be approved with the following understandings, conditions and limitations:

1. All contributions of personal time off days are irrevocable.
2. All contributions to the bank are voluntary. The District shall be defended and held harmless from any claim arising from honoring the "pooling" in this matter.

3. Each association member who volunteers to donate their personal time off day must sign a waiver indicating they are forfeiting their personal time off day for that school year.
4. Association members from any building in the District may contribute to this bank.
5. The District is not responsible for any personal tax liability that may be incurred by the donating employee or said member should any liability arise.