

## Staff Sick/Personal Leave

The Board recognizes that there may be times when an employee is unable to fulfill the duties of their position due to a temporary medical problem. Therefore, paid sick leave is provided for all full-time employees in accordance with this policy. Part-time employees are eligible under the provisions of the Colorado Healthy Families and Workplace Act.

Sick leave may be taken for the following reasons:

- personal mental or physical illness, injury, or health condition or the need to obtain medical care;
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- the necessary care and attendance for the employee's family member who has a mental or physical illness, injury or health condition or the need to obtain medical care;
- seeking medical attention or related services if the employee or a member of the employee's family has been the victim of domestic abuse, sexual assault, or harassment;
- the district has been ordered to close by a public official due to a public health emergency; or
- the school or childcare provider for the employee's child has been ordered to close by a public official due to a public health emergency and the employee needs to be absent from work to care for their child.

For sick leave purposes, the term "family member" means a member of the employee's immediate family (a person who is related by blood, marriage, civil union, or adoption), a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor, or a person for whom the employee is responsible for providing or arranging health- or safety-related care. Exceptions may be made by the superintendent.

Documentation may be required for approval of taking four or more consecutive paid sick days. Any health or safety information relating to an employee or employee's family member will be maintained on a separate form and in a separate file from other personnel information, treated as confidential medical records, and will not be disclosed except to the affected employee or with the express permission of the affected employee.

Each full-time employee shall be entitled to sick leave annually based upon the number of days worked in their full-time position per year. Sick leave is cumulative to a total of 1,440 hours. Employees with benefits working less than a full year will receive a prorated amount of sick/personal leave.

Full-time Employees working: up to 162 Days = 72 Hours  
 163 – 174 Days = 81 Hours  
 175 - 196 Days = 90 Hours  
 197 - 259 Days = 96 Hours  
 260 Days = 104 Hours

### **Full-time licensed personnel**

For all full-time employees working a 260 day schedule, all hours may be considered available for sick days, and two of the total days shall be eligible for personal use, cumulative to four days. At the end of each fiscal year, any balance of personal days greater than two shall be rolled into the employees' sick leave balance. "Employees may use personal hours for sick leave under the provision of the Colorado Healthy Families and Workplace Act."

For all full-time employees working in a position that requires fewer than 260 days, all days may be considered for sick days, and one half of the days accrued for that year may be considered available for personal use. At the end of each fiscal year, any remaining balance of personal days shall be rolled into the employees' sick leave balance. "Employees may use personal hours for sick leave under the provision of the Colorado Healthy Families and Workplace Act."

Personal leave may be granted upon submission of a written leave request, or proper notification in extenuating circumstances, to the immediate supervisor. Personal leave on a teacher work day may be granted upon immediate supervisor approval. The district will not deny leave related to the provisions under the Colorado Healthy Families and Workplace Act as it relates to sick leave.

If personal leave is denied by the immediate supervisor, and the employee chooses to take days off anyway, that employee will not be paid for those days. An employee may appeal his/her supervisor's decision to the superintendent or designee. Under no circumstances shall personal leave be granted for employment elsewhere.

If a full-time licensed employee has exhausted (or will exhaust) all of their personal time off and meets the following criteria, the employee may be eligible to convert up to 45 hours per fiscal year from their sick leave to their personal leave:

- Must be employed in-district for a minimum of three consecutive years
- Must maintain a minimum of 45 hours in their sick leave after the conversion
- If an employee has exhausted all of their leave, the employee may use personal leave for sick leave under the provision of the Colorado paid sick leave act.

The conversion request must be received by payroll, no later than the first Monday of the month to be applicable for the same month. Conversion requests received after the first Monday of the month will not be processed and you may be subject to a salary deduction that shall be made in an amount equal to proportionate contract days of his or her salary for each actual day of work that the employee misses.

After all personal leave is exhausted, salary deductions shall be made in an amount equal to

proportionate contract days of his or her salary for each actual day of work that the employee misses.

At the end of each fiscal year, any remaining balance of personal days shall be rolled into the employees' sick leave balance. If an employee terminates prior to the end of the fiscal year, any sick leave that has been converted to personal leave will revert back to sick leave prior to a final paycheck being issued.

If employment is terminated after the employee has accumulated either personal or sick leave, up to 180 days of the unused leave shall be paid at a rate equal to one-half the daily amount paid to a substitute teacher.

When the employee has exhausted all paid personal sick leave days to which he or she is entitled, including any applicable sick leave bank benefits, 20 days of additional leave time shall be granted in cases of serious personal illness to the employee, employee's children, spouse, parents, grandchildren, sons-in-law, daughters-in-law, siblings, grandparents, or parents of spouse. The employee shall pay the cost of the substitute for the additional leave time taken, even when a substitute is not employed. This benefit shall cover only lengthy, confined, unforeseen illness or injury.

An employee may be required to furnish satisfactory medical proof of illness or disability whenever sick leave is taken. An employee may also be required to furnish a medical certificate stating whether he or she is fully qualified or qualified with reservations to return to work. After all sick leave and extended leave is exhausted, salary deductions shall be made in an amount equal to proportionate contract days of his or her salary for each actual day of work that the employee misses.

### **Full-time support staff**

Support staff members assigned to a position classified as full-time by the district shall receive sick/personal leave to the same extent established for the licensed staff. Forty-four per cent of the employee's average daily salary shall be used to calculate such employee's contribution to the cost of a substitute when the 20 days of additional sick leave time is taken. At the end of each fiscal year, any remaining balance of personal days shall be rolled into the employees' sick leave balance.

If a full-time classified employee has exhausted (or will exhaust) all of their personal time off and meets the following criteria, the employee may be eligible to convert up to 42.5 hours per fiscal year from their sick leave to their personal leave:

- Must be employed in-district for a minimum of three consecutive years
- Must maintain a minimum of 42.5 hours in their sick leave after the conversion

The conversion request must be received by payroll, no later than the first Monday of the month to be applicable for the same month. Conversion requests received after the first Monday of the month will not be processed and you may be subject to a salary deduction that shall be made in an amount equal to proportionate contract days of his or her salary for each actual day of work that the employee misses.

After all personal leave is exhausted, salary deductions shall be made in an amount

equal to proportionate contract days of his or her salary for each actual day of work that the employee misses. If the employee exhausts all sick leaves, the employee then can use personal hours for sick leave under the provisions of the Colorado Healthy Families and Workplace Act.

At the end of each fiscal year, any remaining balance of personal days shall be rolled into the employees' sick leave balance. If an employee terminates prior to the end of the fiscal year, any sick leave that has been converted to personal leave will revert back to sick leave prior to a final paycheck being issued.

### **Bus drivers/aides**

Bus drivers assigned to a regular route shall be allowed personal/sick leave per year accrued at the rate of one hour of leave per every 30 hours worked.

Sick leave will not be denied under the provisions of Colorado Healthy Families and Workplace Act. Requests for other than sick leave/family emergencies leaves shall be covered by available substitutes on the basis of the following priority order:

1. request date
2. seniority date

### **Other part-time employees**

Part-time employees are eligible for supplemental paid sick leave under the provisions of the Colorado Healthy Families Workplace. Sick leave is accrued at the rate of 1 hour for every 30 hours worked. For a part-time employee to work over 29 hours they will need permission from their Director /Supervisor per policy GDBC.

Other district employees who are assigned to less than a full-time position but work more than 20 hours per week shall be eligible for district-maintained group health insurance coverage at their own expense. Payments shall be made by monthly payroll deduction. Such employees (except bus drivers) are entitled to no leaves or other fringe benefits.

### **Full time Substitutes**

Full time permanent Substitutes and long-term substitutes are eligible for paid sick leave. Each permanent and long-term substitute earns at least 1 hour of paid sick leave for every 30 hours worked up to a maximum of 48 hours (~~6 days~~) sick leave. Unused paid sick leave will be paid out upon termination.

*[Optional language:*

*Payment upon separation*

*Upon termination of employment for reasons other than retirement, an employee will be paid for a maximum of 12 days of accrued sick leave not taken based upon the average rate of pay for the employee during their last five years of employment. In the event of death, such payment will be*

*made to the employee's estate.]*

### **Reinstatement upon rehiring**

If an employee separates from employment with the district and is rehired by the district within 6 months after the separation, the district must reinstate any paid sick leave that the employee had accrued but not used during the employee's previous employment if that accrued paid sick leave had not been paid out at the time of the separation.

### **Payment upon retiring**

An employee who is eligible for retirement in accordance with the Public Employees Retirement Association will be paid for one-fourth of all accrued sick leave not taken based upon the average rate of pay for the employee during their last five years of employment not to exceed payment for more than 30 days of accrued sick leave.

### **Additional leave during a public health emergency**

In addition to the paid sick leave generally accrued, on the date a public health emergency is declared the district will supplement each employee's accrued paid sick leave as necessary to ensure that full-time employees who work 40 hours or more in a week may take at least 80 hours of paid sick leave and that employees who work fewer than 40 hours in a week may take at least the greater of the number of hours the employee is scheduled to work in a 14-day period or the average time the employee works in a 14-day period. The district may count an employee's unused accrued paid sick leave toward the supplemental paid sick leave.

An employee may use the supplemental paid sick leave until 4 weeks after the official termination or suspension of the public health emergency. Leave under this provision may be taken for the following reasons:

- self-isolation or seeking medical care or treatment due to a diagnosis or symptoms of a communicable illness that is the cause of a public health emergency;
- caring for a family member who is self-isolating or seeking medical care after being diagnosed or is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
- a determination from a local, state, or federal public official or health authority that an employee or a member of the employee's family that the employee cares poses a risk to the health of others;
- caring for a family member when the individual's school or place of care has been physically closed due to a public health emergency; or
- an employee's inability to work because of a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of a public health emergency.

Documentation is not required to take paid sick leave during a public health emergency.

### **Nondiscrimination**

The Board, the superintendent, other administrators and district employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who takes, attempts to take, or supports taking paid sick leave in accordance with this policy, files a complaint or informs any person about an alleged violation of the Healthy Families and Workplaces Act, or participates in an investigation, hearing, or proceeding related to such matter.

Adopted: October 17, 1987  
Revised: April 15, 2003  
Revised and recoded: July 24, 2007  
Revised: January 22, 2013  
Revised: March 12, 2013  
Revised: March 17, 2015  
Revised: June 12, 2018  
Revised: June 4, 2019  
Revised: February 8, 2021

LEGAL: C.R.S. 2-4-401 (*definition of immediate family*)  
C.R.S. 8-13.3-401 et seq. (*Healthy Families and Workplaces Act*)

CROSS REF.: GBGH, Sick Leave Bank  
GBGF, Federally-Mandated Family Leave  
GBGG-E, Conversion of Sick Leave to Personal Leave Election Form

Garfield School District No. Re-2, Rifle, Colorado