

STAFF LEAVE – HEALTHY FAMILIES & WORKPLACES ACT (HFWA)

Purpose

The Colorado Springs School District 11 Board of Education (the Board) recognizes that there may be times when an employee is unable to fulfill the duties of their position due to illness or injury. Therefore, to assist employees affected by illness or public health emergencies Paid Sick Leave and Supplemental Public Health Emergency Paid Sick Leave will be provided in accordance with Colorado's Healthy Families & Workplaces Act (HFWA).

Employee Eligibility

This policy applies to all employees not covered by a collective bargaining agreement and 0.40 and below full-time employees (FTE) covered by a collective bargaining agreement. 0.41 and above FTE employees covered by a collective bargaining agreement should refer to their agreement for the terms of their paid leave.

Paid Sick Leave

Employees may take Paid Sick Leave for the following reasons:

1. having a mental or physical illness, injury, or health condition that prevents them from working;
2. needing to get preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition;
3. needing to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category 2;
4. the employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or
5. due to a public health emergency, a public official having closed either the employee's place of business, or the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child.

In this policy, 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.

When the need for paid sick leave is foreseeable, the employee shall provide notice of the need for paid sick leave to their supervisor and Human Resources as soon as possible. The employee shall make a reasonable effort to schedule the use of paid sick leave in a manner that does not unduly disrupt the operations of Colorado Springs School District 11 (the District). Documentation may be required for approval of taking ten (10) or more consecutive paid sick days. To request leave the employee should complete and submit the "Employee Leave of Absence Request" form to Human Resources. The Employee Leave of Absence form is provided to all employees on the Human Resources Department website by going to the following: [D11.org>Departments>Human Resources>Employee Resources](http://D11.org/Departments/Human Resources/Employee Resources).

Amount and Accrual of Paid Sick Leave

Temporary/Substitute status employees: shall earn 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours annually at any given time in a year. For fee-for-service workers the best available, reasonable estimate of hours worked shall be used to accrue paid sick leave.

Regular Status-Budgeted FTE employees: refer to your respective employee handbook for the amount of prorated sick leave granted each school year. The District's sick leave policies detailed in the employee's respective employee handbook provides paid sick leave in an amount of hours sufficient to satisfy the paid sick leave requirements of the HFWA. The reasons and conditions for use of leave detailed here will apply to use of such leave.

The District "year" for the accrual of paid leave shall be a school year. Accrual shall begin January 1, 2021.

Paid sick leave may be used in hourly increments. Paid sick leave will be paid at the employee's regular rate of pay. For temporary/substitute status employees, the regular rate of pay will be for the position the employee was scheduled to work when the employee took leave.

For temporary/substitute status employees, up to forty-eight hours of paid sick leave that an employee accrues in a year but does not use carries forward to, and may be used in, a subsequent year, but an employee may not use more than forty-eight hours of paid sick leave a year.

Upon employee separation an employee will not be paid out for accrued but unused paid sick leave. If an employee separates from employment with the District and is rehired by the District within 6 months after separation, the District will reinstate any paid sick leave that the employee had accrued but not used during the employee's previous employment.

Supplemental Public Health Emergency Paid Sick Leave

In addition to paid sick leave, on the date a public health emergency is declared the District will supplement each employees' accrued paid sick leave with enough supplemental emergency paid sick leave to assure the employee can take leave in the following amounts:

- for employees normally working 40 or more hours, 80 hours of total leave; and
- for employees normally working under 40 hours in a week, the greater of the number of hours the employee (a) is scheduled for work or paid leave in the upcoming fourteen-day period, or (b) actually worked on average in the fourteen-day period prior to the declaration of the public health emergency.

For the COVID-19 public health emergency, employees with less than 80 hours of paid sick leave as of January 1, 2021, will be eligible to receive supplemental emergency paid sick leave in the above amount.

Employees may use supplemental emergency paid sick leave immediately upon the declaration of a public health emergency, until four weeks after the end of the public health emergency, for the following purposes:

1. needing to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
2. seeking the diagnosis, treatment, or care (including preventive care) of such an illness;
3. being excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, such an illness (whether or not they are actually diagnosed with the illness);
4. being unable to work due to a health condition that may increase susceptibility to risk of such an illness; or
5. caring for a child or other family member who is in category (1), (2), or (3), or whose school, childcare provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

Procedure for Requesting Supplemental Public Health Emergency Paid Sick Leave

Employees must notify their supervisor and the HR Department/Leave Office of the need and specific reason for leave under this policy. All employees requesting public health supplemental leave must provide written notice of the need for such leave to the HR Department as soon as practicable and must submit the Employee Leave of Absence Request Form. Verbal notice will otherwise be accepted until written notice can be provided. Documentation may be required for approval of taking ten (10) or more consecutive paid sick days. The Employee Leave of Absence form is provided to all employees on the Human Resources Department website by going to the following: [D11.org>Departments>Human Resources>Employee Resources](http://D11.org/Departments/Human Resources/Employee Resources).

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.

Non-discrimination

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 or supplemental emergency 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 March 10, 2021

LEGAL REFS.: C.R.S. 8-13.3.-401 (Healthy Families and Workplaces Act)

CROSS REFS.: DKA, Payroll Procedures
GBDA, Referral to Employee Handbooks/Agreements
GBGA, Staff Health
GBGF, Family and Medical Leave
Colorado Springs Education Association Master Agreement
Education Support Professionals Handbook
Executive Professional Handbook