

Descriptor Term: LEAVE - CERTIFIED PERSONNEL Administrative and Non-Administrative Personnel

Descriptor Code: GBRI

Rescinds: GBRI

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## I. GENERAL INFORMATION

Personnel leave is a benefit granted to employee by the Board of Trustees and administered by the Superintendent or Superintendent's designee. Application for leave must be made by the person requesting leave, and permission must be approved by the employee's immediate supervisor. With the exception of *sick leave* and *emergency leave*, all leave must be approved prior to taking leave. Application for leave (except *personal leave*) must clearly state the reason or cause for which leave is requested (e.g., doctor's appointment, sick family member).

For *sick/emergency leave*, the employee or employee's designee must make a prompt report to the employee's immediate supervisor or designee reporting the reason for sick or emergency leave. Immediately upon the employee's return to work, an application is to be completed. If the leave is for an extended period of time, a leave form is to be submitted for the employee per the payroll schedule reporting period. For all personnel under their supervision, the administrator is granted authority to approve *sick leave* and leave without pay subject to approval of the Superintendent or designee and in accord with Board policy.

Use of *leave*, whether as *sick leave*, *personal leave*, or *emergency leave*, and including special and donated sick leave for the employee's own serious health condition, child birth, or the serious health condition of an immediate family member, as defined in II. A. of this policy, for more than three consecutive work days, requires the certification of a health care provider evidencing that the employee cannot perform the essential functions of the employee's duties or, in the case of a family member, is needed to care for the family member. When more than three consecutive days of vacation time is used for the same reason, the same type of medical certification may be required. **Employees are required to use all available paid time off benefits for leave taken under the Family and Medical Leave Act (FMLA). See Section II. B.**

Reasons for leave needs are normally presumed to be those cited by employees needing or requesting leave. Immediate supervisors, however, are hereby granted discretionary authority by the Board to require verification of illness, injury, or emergency cited by an employee as his/her reason for non-prearranged absences from his/her regular work station.

Salary adjustments made from leave without pay will be made for the pay period in which

the absence(s) occurred.

## II. **TYPES OF LEAVE**

### A. **Sick Leave**

1. For each school year, each certified employee who works less than twelve (12) months per year and has less than ten (10) years of experience will be granted nine (9) days leave. All nine days may be used for sick leave (i.e., personal illness, or physical disability of the employee or employee's immediate family, defined as spouse, parent, step-parent, sibling, child, step-child, foster parent, foster child, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law) as approved by the immediate supervisor.
2. For each school year, each certified employee who works less than twelve (12) months per year and has more than ten (10) years of teaching experience will be granted ten (10) days leave. All ten days may be used for sick leave (i.e., personal illness, or physical disability of the employee or employee's immediate family, defined as spouse, parent, step-parent, sibling, child, step-child, foster parent, foster child, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law) as approved by the immediate supervisor.
3. Certified 12-month employees will be granted twelve (12) days sick leave per year. All twelve days may be used for sick leave (i.e., personal illness, or physical disability of the employee or employee's immediate family, defined as spouse, parent, step-parent, sibling, child, step-child, foster parent, foster child, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law) as approved by the immediate supervisor.
4. Certified employees employed after the beginning of the year will immediately have available a prorated number of days, based on the number of months remaining in the fiscal year.
5. Any sick leave accumulated at the close of the 1984-85 fiscal year, up to a maximum of 120 days, will be carried over to the new year and added to the advance days for the new year. Sick leave is accumulated only during continuous employment with the Gulfport School District. Sick leave accumulated from another school district in Mississippi is credited for you to the Mississippi Retirement system.

### B. **Family and Medical Leave for Certified Employees**

#### 1. **ELIGIBILITY.**

This Policy applies to certified employees who have at least one year of service and who have worked at least 1,250 hours during the 12 months immediately prior to the requested leave and who are located at a worksite of the District at which at least 50 employees work or report within 75 miles of the worksite].

The District normally does not count a break in service of 7 years or more in determining whether an employee has met the one-year-of-service requirement. Exceptions to the break-in-service rule are (a) an employee's fulfillment of the employee's military service obligation and (b) a period of approved absences or unpaid leave such as for education or child-rearing as long as there is a written agreement with the District addressing the District's intent to rehire the employee.

2. **OVERVIEW OF FAMILY AND MEDICAL LEAVE ACT LEAVE PROVISIONS.**

Under the Family and Medical Leave Act of 1993, as amended (the FMLA), eligible employees are entitled to job protected time of for several types of leave, referred to in this Policy as General Family/Medical Leave, Qualifying Exigency Leave, and Military Caregiver Leave (sometimes referred to in various publications as injured service member leave). Together, these types of FMLA leave are referred to in this Policy as FMLA-qualifying Leave. Further, references to a week means a workweek, unless otherwise stated. The length of the workweek can vary for FMLA leave purposes, depending on an employee's exempt or non-exempt classification; references to employee or personnel means certified employee, unless otherwise specifically stated.

1. **GENERAL FAMILY/MEDICAL AND QUALIFYING EXIGENCY FAMILY/MEDICAL FMLA LEAVE.**

Length of Leave. Eligible employees may take up to a total of 12 workweeks of General Family/Medical and Qualifying Exigency Leave under the FMLA within any 12-month period.

Leave Year. For the purpose of these two types of FMLA Leave under this Policy, the 12-month period is the fiscal year of the District, which is July 1 through June 30.

General Family/Medical Leave may be taken for any of the following reasons: (1) the birth of a son or daughter; (2) the placement of a son or daughter with an employee for adoption or foster care; (3) to care for a son, daughter, parent (but not parent-in-law) or spouse with a serious health condition; or (4) because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

Ordinarily, for purposes of General Family/Medical Leave, the son or daughter must be under the age of 18 unless the son or daughter is incapable of self-care because of a mental or physical disability at the time that General Family/Medical Leave is to commence.

Qualifying Exigency Family/Medical Leave may be taken for a qualifying exigency as more specifically set forth in the next section of this Policy.

\_. **SPECIFIC QUALIFYING EXIGENCY FAMILY/MEDICAL FMLA LEAVE PROVISIONS.**

Benefit. Eligible employees may take Qualifying Exigency Family/Medical Leave while the employee's spouse, son, daughter, or parent (but not parent-in-law) (the covered military member) is on active duty or call to active duty status in support of a contingency operation for one or more of the following qualifying exigencies: (a) short-notice deployment; (b) military events and related activities; (c) childcare and school activities; (d) financial and legal arrangements; (e) counseling; (f) rest and recuperation; (g) post-deployment activities; and (h) additional activities. The son or daughter may be of any age.

Definitions Applicable to Qualifying Exigency Leave.

Definitions and terminology specific to Qualifying Exigency Leave are defined and explained in applicable FMLA regulations, including 29 C.F.R. §§825.122 and 825.126. Because of their length, they are not included in this Policy. Copies of the amended regulations applicable to the Family and Medical Leave Act of 1993, as amended, are available at [www.dol.gov/esa/whd/fmla/finalrule.htm](http://www.dol.gov/esa/whd/fmla/finalrule.htm).

Limitations on Taking Qualifying Exigency Leave.

Qualifying Exigency Leave *does not* apply to family members of military members who are in the regular Armed Forces. Leave taken for short-notice deployment can be used for a period of 7 calendar days beginning on the date a covered military member is notified of an impending call or order to active duty in support of a contingency operation. Leave taken for rest and recuperation is limited to 5 days of leave for each instance of rest and recuperation. Leave taken for "additional activities" requires advance agreement by the District and employee as to (a) whether the event arising out of the covered military member's active duty or call to active duty status qualifies as an exigency and as to both (b) the timing and (c) the duration of the leave for this purpose. If the District and employee do not agree as to all three, the leave for "additional activities" will not be Qualifying Exigency Leave. It is the responsibility of the employee to seek agreement with the District in sufficient time prior to the event to permit processing of the request. Such requests should be submitted to the Assistant Superintendent of Personnel in writing.

Certification for Qualifying Exigency Leave. The first time an eligible employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty of a covered military member, the District requires the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military in order for the absence to be designated by the District as Qualifying Exigency Leave. A copy of new orders or other documentation also shall be provided by the employee to the District if the need for Qualifying Exigency Leave arises out of a different active duty or call to active duty status of the same or a different covered military member. To be designated

as leave for a qualifying exigency, the request for leave must be supported by a certification provided by the employee. Section I of Form WH-384 is completed by the District; Section II, all parts, is completed by the employee. If the information provided by the employee on Form WH-384 is insufficient for the District to designate the leave as Qualifying Exigency Leave, the employee's leave request may be denied.

#### **SPECIFIC MILITARY CAREGIVER FMLA LEAVE PROVISIONS.**

Time Off Benefit: Eligible employees may take up to a total of 26 workweeks of Military Caregiver Leave within a single 12-month period to care for a covered service member with a serious injury or illness. For purposes of the Military Caregiver Leave, the "single 12-month period" begins on the first day the eligible employee takes Military Caregiver Leave to care for a covered service member and ends 12 months after that date, regardless of the leave year used for General Family/Medical and Qualifying Exigency Leave under the FMLA. As used in this Policy, the term "single 12-month period" is as defined in the preceding sentence.

Required Relationship between Covered Service member and Eligible Employee. The eligible employee must be the spouse, son, daughter, parent (not parent-in-law), or next of kin of the covered service member.

Military Caregiver Leave Forfeiture. If the eligible employee does not take all of his or her 26 weeks of leave entitlement to care for a covered service member during this single 12-month period, the remaining part of his or her 26 weeks of Military Caregiver Leave entitlement to care for the covered service member is forfeited.

#### Application of Military Caregiver Leave.

The Military Caregiver Leave entitlement is applied on a per-covered-service member, per-injury basis. As a result, an eligible employee may be entitled to take more than one period of 26 weeks of Military Caregiver Leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness. In any event, no more than 26 weeks of leave may be taken within any single 12-month period.

An eligible employee may take more than one period of 26 weeks of Military Caregiver Leave to care for a covered service member with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an eligible employee takes Military Caregiver Leave to care for more than one covered service member or for a subsequent serious injury or illness of the same covered service member, and the single 12-month periods corresponding to the different Military Caregiver Leave entitlements overlap, the employee is limited to taking no more than 26 weeks of Military Caregiver Leave in each single 12-month period.

Coordination of Military Caregiver Leave and General Family/Medical and Qualifying Exigency Leave under the FMLA.

An eligible employee is entitled to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the single 12-month period. The employee is entitled to no more than 12 weeks of FMLA leave for General Family/Medical and Qualifying Exigency Leave for the reasons set forth in the General Family/Medical and Qualifying Exigency FMLA Leave sections above. If leave qualifies as both Military Caregiver Leave and leave to care for a covered family member with a serious health condition under the General Family/Medical Leave provisions above during the single 12-month period, the District will first designate the leave as Military Caregiver Leave. Such leave will not be designated as both Military Caregiver Leave and General Family/Medical Leave.

Spouses who both are eligible for FMLA leave who are employed by the District (regardless of worksite location(s)) are limited to a combined total of 26 weeks of General Family/Medical and Qualifying Exigency Leave and Military Caregiver Leave during the single 12-month period if the leave is taken for (a) birth of the employee's son or daughter or to care for the child after birth; (b) placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; (c) to care for the employee's parent with a serious health condition, or (d) to care for a covered service member with a serious injury or illness. One spouse's ineligibility for a FMLA-qualifying Leave does not affect the other spouse's eligibility.

Definitions for Military Caregiver Leave.

Covered Service member. Current (not former) member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary (not permanent) disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list

Serious Injury or Illness: An injury or illness incurred by the covered service member in the line of duty on active duty that may render the service member unfit to perform the duties of his or her office, grade, rank or rating.

Outpatient Status: With respect to a covered service member, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Son or Daughter of a Covered Service member: Covered Service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

Parent of a Covered Service member: Covered Service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents-in-law.

Next of Kin of a Covered Service member: The nearest blood relative, other than the spouse, parent, son, or daughter, in the following order of priority: (a) blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; (b) brothers and sisters; (c) grandparents; (d) aunts and uncles; and (e) first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take Military Caregiver Leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

Certification for Military Caregiver Leave.

Information from Health Care Provider. When Military Caregiver Leave is taken, the District requires the employee to obtain a certification completed by an authorized health care provider of the covered service member. Any one of the following may provide such a certification: (a) a United States Department of Defense (DOD) health care provider; (b) a United States Department of Veterans Affairs health care provider; (c) A DOD TRICARE authorized private health care provider; or (d) a DOD non-network TRICARE authorized private health care provider. Section II of Form WH-385 is to be completed by the appropriate health care provider. The District may require authentication or clarification of Form WH-385 as provided by applicable regulation. Information from the Employee or Covered Service member. The District also requires that Section I of Form WH-385 be completed by the employee or covered service member.

Exception to Certification Requirement for Military Caregiver Leave. When an Invitational Travel Order or Invitational Travel Authorization is issued, the District will accept the ITO or ITA in lieu of a completed WH-385, but only under the circumstances and conditions specified in 29 C.F.R. § 825.310(e) and only for the period of time specified in the applicable ITO or ITA. The District may require authentication and clarification of an ITO or ITA as provided by applicable regulation. Such authentication or clarification is performed as set forth in the provision below regarding certification of General Family/Medical Leave.

**VERIFICATION OF FAMILY RELATIONSHIP FOR FMLA-QUALIFYING LEAVE.**

The District may require the eligible employee seeking any type of FMLA-qualifying Leave for a purpose related to a covered family member rather than the

employee himself or herself to provide written confirmation to the Assistant Superintendent of Personnel of the covered family relationship between the family member and the employee, such as but not limited to a court document, birth certificate or statement from the employee. Any official document will be returned to the employee after examination and copying.

- . **FMLA-QUALIFYING LEAVE DESIGNATION.** The District designates an absence or absences as FMLA-qualifying Leave that counts against an employee's 12-week General Family/Medical or Qualifying Exigency Leave or 26 week Military Caregiver Leave entitlement. This is based on information the District has or gains, including from the employee or others. Ordinarily, the District will designate an absence as FMLA-qualifying Leave that counts against an eligible employee's FMLA leave entitlement (General Family/Medical Leave, Qualifying Exigency Leave or Military Caregiver Leave) within 5 business days of learning of the FMLA-qualifying reason for the absence, absent exigent circumstances. However, when appropriate, the District may retroactively designate absence(s) as FMLA-qualifying Leave with appropriate written notice to the employee, and the District and the employee also may agree that absence(s) be retroactively so designated.

- . **CONTINUATION OF BENEFITS DURING FMLA-QUALIFYING LEAVE.** During any unpaid FMLA-qualifying Leave, the District will allow health coverage (i.e., medical plan then in effect) to continue at the active employee rate. Whether other benefits continue will depend on the provisions of the respective plans. Also, upon return from such unpaid leave, the employee will be reinstated to the position held prior to the leave or to an equivalent position . If an employee fails, however, to return to work upon exhaustion of the 12 weeks of General Family/Medical or Qualifying Exigency Leave or 26 weeks of Military Caregiver Leave, no guarantee is made that the employee will be returned to the same or an equivalent position.

Equivalent positions will be at the same rate of pay and benefits as the positions held at the beginning of the FMLA-qualifying Leave; however, they could be at a different school or other location, and for certified personnel, in a different grade or subject. Equivalent positions for certified personnel will not require additional licensure and certification, although the licensure and certification held by such personnel at the beginning of the FMLA-qualifying Leave must be current at the time of restoration.

- . **LIMITATIONS ON USE OF FMLA-QUALIFYING LEAVE FOR BIRTH OR PLACEMENT.**

Any General Family/Medical Leave taken because of the birth of a child or the placement of a child with an employee for adoption or foster care must be completed within the 12-month period beginning on the date of birth or placement.



\_. **INTEGRATION WITH PAID TIME OFF BENEFITS FOR FMLA-QUALIFYING LEAVE.**

When taking any FMLA-qualifying Leave, the employee will first use any available paid time off benefits. Unpaid leave will be used only after paid leave benefits have been exhausted, except to any extent that the employee does not meet the requirements of taking the particular type of paid leave benefit, making substitution of paid time unavailable. The order of usage will be as follows:

- a. Available sick leave, including personal; line of duty (when applicable); and emergency leave;
- b. Available vacation leave (for administrative staff only)
- c. Unpaid leave of absence.

When an employee takes a full week of FMLA-qualifying Leave during a week containing a District holiday, the holiday will count against the employee's available FMLA leave time. When an employee takes less than a full week of FMLA-qualifying Leave, any District holiday occurring that week will not count against the employee's available FMLA leave time unless the employee was otherwise scheduled and expected to work during the holiday.

Paid and unpaid time off will be aggregated in determining the 12- or 26-week time off benefit available under this Policy. Further, the terms and conditions for use of the particular type of paid time off benefit set forth elsewhere in this Policy apply when that type of paid time off is being substituted for unpaid FMLA-qualifying Leave. To the extent these terms and conditions cannot be met by the employee, the FMLA-qualifying Leave will be unpaid.

\_. **REQUESTS FOR FMLA-QUALIFYING LEAVE.**

If the need for FMLA-qualifying Leave is foreseeable, the employee must submit a completed Request for FMLA-qualifying Leave form at least 30 days in advance of the leave. If this is not possible, the employee must notify the Personnel Department no later than the next business day after learning of the need for leave. Further, notification of absence is to be handled in accordance with otherwise applicable District policy. Failure to provide notice or the reason for not providing notice in the time required to do so may be grounds for delay of leave and/or disciplinary action for absenteeism. Leave Request forms are available through the Gulfport School District website.

The employee may be required to provide additional information when FMLA-qualifying Leave is requested in order for the District to determine if the reason for the requested leave qualifies for FMLA protection. Additionally, when an employee seeks leave due to a FMLA-qualifying reason, for which the District has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.

In the case of unforeseeable leave, calling in "sick" without more information being provided will not be considered by the District as sufficient notice to trigger the District's obligation to designate the absence as FMLA-qualifying Leave.

Employees are obligated to respond to the District's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to do so may result in the denial of FMLA protection for the absence if the District is unable to determine whether the leave is FMLA-qualifying.

**CERTIFICATION AND SECOND AND THIRD OPINIONS FOR GENERAL FAMILY/MEDICAL FMLA LEAVE.**

When leave is taken due to the serious health condition of either the employee or a covered family member, the employee is required to furnish a written certification from the employee's or covered family member's health care provider of the medical need for the leave.

Form WH-380-E is used for certification of the employee's own serious health condition. Form WH-380-F is used for certification of a covered family member's serious health condition. Section I of each of these is completed by the District; Section II is completed by the employee; and Section III is completed by the appropriate health care provider.

The District may also require subsequent medical recertification on a reasonable basis. When leave is taken due to the employee's serious health condition, the employee is required to furnish a medical certification of fitness for duty before being allowed to return to work. This fitness-for-duty certification from the employee's health care provider must certify that the employee is able to resume work. The District may require that this fitness-for-duty certification specifically address the employee's ability to perform the identified essential functions of the employee's job.

Clarification and Authentication of Medical Certifications, Re-certifications and Fitness for Duty Certifications. The District will give the employee an opportunity to cure deficiencies of a medical certification or recertification, or fitness for duty certification. The information needed will be provided to the employee in writing, and the employee ordinarily will have 7 calendar days from receipt of the notice of deficiencies to provide the information requested. Failure to provide the requested information may result in delay or denial of FMLA-protected leave. The Office of the Assistant Superintendent of the District (or as determined by the District, a health care provider selected by the District, a designated leave administrator, or a member of the administrative staff in the central office of the District) also may contact the employee's or family member's health care provider solely to authenticate or clarify a medical certification or recertification or fitness for duty certification; however, no one, including certified administrative staff, who directly supervises the employee may contact the health care provider. Additionally, for medical re-certifications, the District may provide

the employee's health care provider with a record of the employee's absence pattern and ask the provider if the serious health condition and need for leave are consistent with such a pattern.

Second and Third Medical Opinions. Under appropriate circumstances, the District may request second and third medical opinions for the employee's or covered family member's serious health condition.

\_. **INTERMITTENT LEAVE FOR FMLA-QUALIFYING LEAVE. (Includes provision for leave by certified personnel at or near the end of a semester.)**

General Family/Medical Leave taken because of the serious health condition of either the employee or a covered family member, or due to the Military Caregiver Leave described above can be taken on an intermittent or reduced work schedule basis if such an arrangement is certified by the health care provider to be medically necessary.

When intermittent or reduced schedule leave is taken for a qualifying exigency, the employee can be required to estimate the duration and frequency of the qualifying exigency on Form WH-384.

Leave taken due to the birth of a child or placement of a child with an employee for adoption or foster care must be taken in one unbroken period unless approved in advance by the Assistant Superintendent. Decisions regarding requests for intermittent or reduced work schedule leaves in birth, adoption and foster care situations will be based on the business needs of the District.

An employee who requests intermittent leave or on a reduced leave schedule for planned medical treatment of the employee, covered family member or covered service member must make a reasonable effort to schedule the treatment so as not to disrupt unduly the District's operations.

An employee who requests intermittent leave which is foreseeable based on planned medical treatment for purposes of providing care to a child, spouse or parent with a serious health condition, for the employee's own serious health condition, or for Military Caregiver Leave may be required to transfer temporarily to an available alternative position offered by the District for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular employment position. The employee will be entitled to equivalent pay and benefits, but will not necessarily be assigned the same duties in the alternative position. See below for more specific information on transfer.

Special rules apply to intermittent leave and reduced schedule leave for certified personnel. Generally, for foreseeable leave for planned medical treatment for the employee or the covered family member, including covered service member, if the employee would be on the particular type of FMLA-qualifying leave in question for more than 20% of the total number of working days over the period the leave

would extend, the District may require the employee to choose either to take leave for a period of particular duration or transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates the recurring period of leave than does the employee's regular position. Failure to give required notice for a foreseeable FMLA-qualifying Leave to be taken intermittently or on a reduced schedule basis may result in the District requiring the employee to take a leave for a period of duration, to transfer to an alternative position, or to delay taking the leave until the notice requirement is met. The advance notice required for foreseeable FMLA-qualifying leave is 30 days.

Certified personnel who begin a FMLA-qualifying Leave more than 5 weeks, less than 5 weeks, and less than 3 weeks before the end of a semester may have special limitations placed on their leaves.

( ). Leaves Beginning more than Five Weeks before the End of a Semester.

The District may require the certified employee to continue taking leave until the end of the semester if the leave will last at least 3 weeks, and the employee would return during the 3-week period before the end of the semester.

( ). Leaves Beginning during the Five-Week Period before the End of a Semester.

When the leave is for a covered purpose other than the certified employee's own serious health condition, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than 2 weeks, and the employee would return during the 2-week period before then end of the semester.

( ). Leaves Beginning during the Three-Week Period before the End of the Semester.

When the leave is for a covered purpose other than the certified employee's own serious health condition, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than 5 days.

( ). When it is the employee who selects to take leave for a period of particular duration for intermittent or reduced schedule leave, the entire period of leave counts against the employee's FMLA leave entitlement.

( ). When it is the District that requires an employee to take leave until the end of a semester, only the period of leave until the certified employee is ready and able to return to work is counted against the employee's FMLA leave entitlement; however, it is the employee's responsibility to advise the

District when the employee is ready and able to return to work in such a situation.

.. **HEALTH COVERAGE PAYMENTS DURING UNPAID FMLA-QUALIFYING LEAVE.**

During any paid portion of a FMLA-qualifying Leave, the District will deduct the employee's health coverage payment as a regular payroll deduction. During unpaid leave, the employee will be required to submit periodic payments to the District if the employee desires to maintain coverage. Health coverage will cease if payment becomes more than 30 days late. If an employee elects not to return to work at the end of an unpaid leave, the employee will be required to reimburse the District for the cost of health coverage borne by the District during the unpaid leave unless the employee's reason for not returning to work is directly related to a serious health condition or other circumstance beyond the employee's control.

.. **FAILURE TO RETURN FOLLOWING FMLA-QUALIFYING LEAVE.**

If an employee fails to return to work on the next work day following the expiration of an approved FMLA-qualifying Leave, the employee will be deemed to have resigned employment, and the District may recover its portions of premiums paid in accordance with applicable law and regulation.

.. **POLICY ADMINISTRATION AND ENFORCEMENT.**

In administering this Policy, it is the District's intent to comply with all provisions of the Family and Medical Leave Act of 1993 and regulations promulgated under the Act, as they may from time to time be amended (the FMLA). As permitted by the FMLA, FMLA-qualifying Leave (and reinstatements) may be restricted in certain situations. Administrative guidelines may be developed to assist in applying the various provisions of the FMLA to specific situations not covered in this Policy.

Employees have certain legal rights under the FMLA which are summarized in the FMLA poster located at each facility, and which are described in the amended FMLA regulations available at [www.dol.gov/esa/whd/fmla/finalrule.htm](http://www.dol.gov/esa/whd/fmla/finalrule.htm).

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C. **Special Sick Leave**

A certified employee who becomes ill for a number of consecutive days, causing the employee to use all current or accumulated types of leave, may be granted additional sick leave by providing the immediate supervisor with written verification of the illness by a licensed physician. For employees who are members of religious sects that do not adhere to medical practices, a letter certifying the illness from a recognized authority in their respective religious organization will replace the licensed physician's statement.

Additional sick days as follows:

0-5 years: 10 days; 6 - 10 years: 15 days; 11 - 15 years: 20 days;  
16 - 20 years: 25 days; 21+ years: 30 days

**Payment for these additional days will be the employee's daily rate less the cost of a substitute.**

**D. Illness In-The-Line-Of-Duty**

Any member of the staff will be entitled to illness in-the-line-of-duty leave when he/she must be absent from his/her duties because of a personal injury (see Policy EGAA, Workers Compensation) received in the discharge of duty or because of illness from contagious or infectious disease contracted in school work. Evidence satisfactory to the Superintendent or designee will be furnished with each claim made for such illness. Leave for illness in-the-line-of-duty will be granted by the Board for a total, not to exceed ten (10) days during any school year.

**E. Donated Sick Leave**

Any Gulfport School District employee may donate a portion of his or her unused accumulated leave to another employee of the same school district who is suffering from a *catastrophic injury or illness* or who has a member of his or her immediate family suffering from a *catastrophic injury or illness*.

1. "*Catastrophic injury or illness*" means a severe condition or combination of conditions affecting the mental or physical health of an employee or a member of an employee's immediate family, including pregnancy, that requires the services of a licensed physician for an extended period of time and that forces the employee to exhaust all leave time available to that employee, thereby resulting in the loss of compensation from the school district for that employee.
2. "*Immediate family*" means spouse, parent, stepparent, sibling, child or stepchild.
3. The employee donating the leave (the *Adonor employee@*) will designate the employee who is to receive the leave (the *Arecipient employee@*) and the amount of unused accumulated leave that is to be donated, and will notify the Superintendent or his/her designee of his or her designation.
4. The maximum amount of unused accumulated leave that an employee may donate to any other employee may not exceed a number of days that would leave the *donor employee* with fewer than seven (7) days of leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the *donor employee*.
5. An employee must have exhausted all of his or her leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for donated leave will be based upon review and approval by the *donor employee's* supervisor.
6. Before an employee may receive donated leave, he or she must provide the Superintendent or his/her designee with a physician's statement that states the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the *recipient employee* will be able to return to work.
7. If the total amount of leave that is donated to any employee is not used by

the *recipient employee*, the whole days of donated leave will be returned to the *donor employee* on a pro rata basis, based on the ratio of number of days of leave donated by each *donor employee* to the total number of days of leave donated by all *donor employees*.

8. Donated leave will not be used in lieu of disability retirement.  
Legal Reference: Mississippi Code 1972, ' 37-7-307

**F. Retirement and Death Benefits from Accrued Sick Leave**

1. In accord with and limited by state law, accrued sick leave at the time of an employee's retirement may be used to extend time accrued for retirement purposes. Upon retirement from employment each certified employee will receive credit and be paid for any unused sick leave allowance exceeding the maximum amount that may be credited to the employee for retirement purposes. Payment for unused sick leave will be a rate equal to the amount paid to substitute teachers.

Legal Reference: Mississippi Code 1972, ' 25-3-95[5], ' 37-7-307)

2. In the event an employee becomes terminated by death, the Board of Trustees will pay to his/her beneficiary an amount equivalent to the number of accrued days of sick leave, limited to sixty (60) days total, at the last daily rate of pay received by the deceased employee. A beneficiary must be named and on file with the Board of Trustees for this benefit to be awarded.  
' 37-7-301(p)

**G. Maternity Leave**

Loss of certified staff services due to pregnancy, affects student learning. In order to minimize this effect, the following guidelines are to be used:

1. A request for maternity leave must be submitted in writing by the staff member to their immediate supervisor.
2. To insure ample time for securing a qualified replacement, this request for leave should be submitted at the earliest date. The request must state the approximate dates on which leave will begin and end. Each staff member should determine with discretion the proper time to begin maternity leave. Should a medical doctor determine that the best interests of the staff member would be served by cessation of duties, the maternity leave will begin at that time. A medical certification is required. If the supervisor determines that the best interest of the students would be served, the maternity leave, with approval of the Superintendent, will begin at that time.
3. Accumulated sick leave is applied for that period of maternity leave the staff member is unable to perform assigned duties. An available option to the parents is the request, in writing of the male parent to share the twelve weeks of FML with the female parent. (See Family Medical Leave II.B. 2.. C.). This request must be accompanied by medical staff certification of the birth of the child.
4. A staff member who is on maternity leave must give notice of the intention to return to work ten (10) days prior to returning to work.

5. Each staff member who is granted a maternity leave and desires to return is granted a position in the Gulfport School District. Consequently, the staff member returning from leave must be given priority in jobs available.
6. A staff member who is not on contract, but is on maternity leave, may have the option to continue insurance benefits at her own cost. Salary schedule placement will be determined in all cases of leave by the employee fulfilling the requirement necessary to gain one (1) additional year of experience.

#### H. **Emergency Leave**

1. Definition: Emergency leave is defined as special and unusual circumstances occurring unexpectedly for the employee which necessitates the absence of the employee from his/her normal duties. Typical examples include death or illness of a family member, physical damage to one's house or automobile requiring the physical presence of the school employee, etc. (e.g., The wedding of a friend or an invitation to the inaugural ball of a newly elected governor is not sufficient basis for granting emergency leave.)
2. Employees who are eligible to accrue sick leave and who have less than ten years of certificated experience may use up to two days per year (non-cumulative) for emergency reasons.
3. Employees who are eligible to accrue sick leave and who have ten years or more of certificated experience may use up to three (3) days per year (non-cumulative) for emergency reasons.
4. For emergency leave, the employee or employee's designee must make a prompt report to the employee's immediate supervisor or designee reporting a reason for emergency leave. Days taken for emergency leave will be charged against the employee's earned sick leave.

#### I. **Vacation - Certified Administrative Staff**

Certified **Administrative** staff employed for 12 months will be entitled to *vacation leave*. Vacation leave will be earned as follows:

1. Each 12-month certified **administrative** employee will receive 10 days vacation leave above and beyond sick, personal, and emergency leave as provided elsewhere in this leave policy. Vacation leave will be awarded for certified **administrative** staff as follows:

1- 10 Years: 10 Days; 11 - 15 Years: 12 Days; 16 + Years: 15 Days

2. **Restrictions and Limitations:**
  1. Vacation leave will be accrued above and in addition to specific annual holidays stipulated for observance by the Board.
  2. All vacation leave must be approved in advance by the Superintendent or designee.



3. Vacation leave will be posted at the end of each pay period.
4. No more than 30 days may be taken during a year.
3. Accrued vacation leave not converted to sick leave for retirement purposes, will be paid to the certified **administrative** personnel who have accumulated leave, at the substitute rate of pay at the time of retirement. If above services are terminated because of death, payment to the beneficiary, including sick leave days, will not exceed sixty (60) days pay at the employee's daily rate. ' 37-7-301(p)
4. All unused leave time (sick, personal, emergency or vacation) will accumulated as sick leave in determining length of service for retirement purposes.

**J. Personal Leave With Pay**

Full-time regular employees who work less than 12 months per year and are eligible to accrue sick leave may use up to two days per year (cumulative to five days) of such leave for personal reasons when approved by the employee's immediate supervisor and by the Superintendent or his/her designee. When the employee accumulates days in excess of two days, the employee may take two to five days of personal leave. Employees working 12 months (240-260 days) may use up to three days per year for personal leave and may accumulate up to five days and may take two to five days of personal leave. Personal leave may not be taken at a time when fulfillment of assigned duties will be unduly impaired by the interruption. Such days approved for personal leave will be charged against the employee's currently accrued sick leave. After taking all personal leave available in any one fiscal year, the equivalent of one full day of salary, per personal day taken, will be deducted within sixty days of the absence or absences. Personal leave not used under this section will be accrued as sick leave.

Legal Reference: Mississippi Code 1972, ' 25-3-93

**K. Leave Without Pay**

1. Whenever an employee has used all earned days of leave, any leave taken thereafter will be days of leave without pay. (Under certain circumstances, special sick leave may be applicable. (See II. C. for details.)
2. Whenever an employee fails to properly report within a reasonable period of time the reason for his/her absence from work (as in the case of illness or injury) or takes leave without having obtained prior approval from his/her immediate supervisor, at the discretion of the employee's immediate supervisor the employee may be charged with leave without pay, e.g., the employee's pay will be reduced by one full day's salary for each day's absence.
3. Salary adjustments made necessary from *leave without pay* will be made for the pay period in which the absence(s) occurred.  
Exception: By written request from the employee, salary adjustments for *leave without pay* can be deferred to the final check(s) for the contract year.

**L. Legal Leaves**

1. Jury Duty

Employees selected for jury duty will receive normal pay for each day on which jury duty is served. Mileage allowance paid by the courts to any employee, as a result of having served as juror will be retained by the employee as just payment for the distance traveled to perform such duty. Days spent as a juror are recorded as *legal leave*.

2. Court Appearance

Employees who must appear in court for personal reasons during their normal working hours will be accommodated without penalty if the amount of time they are away from the job is two hours or less. If the employee must be absent from his/her job for more than two hours, he/she must take personal leave for one-half day or more.

When the employee must appear in court on behalf of federal, state or local government, in connection with his/her job assignment, or because of receipt of a subpoena or other legal order to appear in court, no leave will be charged against the employee; however, the leave will be recorded as *legal leave*. A copy of jury duty notice, subpoena, or other legal order must accompany submission of the Leave Request Form.

(Legal Reference: Mississippi Code 1972, ' 25-3-92 [2(a)])

**M. Military Leave**

Employees of the Board of Trustees of the Gulfport School District who are required to serve in the armed forces of the United States or the state in fulfillment of obligations incurred under selective service laws or because of membership in reserves of the armed forces or National Guard will be granted military leave without pay. Military leave without pay may be granted, at the discretion of the Board, to any employee volunteering for military duty. Employees granted such leave for military service will, upon completion of the tour of duty, be returned to employment without prejudice, provided application for re-employment is filed within six months following the date of discharge or release from active military duty and provided further that the Board will have a reasonable time, not to exceed six months, to reassign the employee to duty in the District.

No more than four years of active duty, whether acquired prior to or during employment with the District, will be counted as years of service for placement of the salary schedule. Military leave of less than a year during employment with the District will count as regular employment time for placement on the salary schedule regardless of how such leave may be counted for retirement purposes.

Reservists and National Guardsmen will make written requests to the appropriate military authorities to have their short-term annual tours of duty scheduled during

their summer months between regular school sessions and will furnish a copy of such request to the Superintendent in order to be entitled for consideration of leave with pay in the event their tours are not rescheduled as they requested. Employees whose military pay is greater than their pay from the District will be considered as taking approved leave without pay. Employees whose military pay is less than District pay will be supplemented by the District in an amount that will make up the difference between military pay and District pay (not to exceed the employee's regular District pay). The Leave Request Form must be accompanied by the employee's verification of military rate-of-pay. Such leave will be considered *military leave*.

**N. Professional Leave**

The Superintendent may authorize certain types of leave classified as professional or job-related as follows:

Such leave will not be charged to the individual, and, under circumstances determined appropriate by the Superintendent, the employee may receive expense reimbursement.

Legal Reference: Mississippi Code 1972, ' 37-7-307

**1. Professional Leave, Extended Period of Time**

Professional leave will be construed to mean any authorized leave to attend professional meetings and/or to enroll at an accredited college or university for periods of extended duration. A full report of professional meetings must be presented to the Superintendent upon request. Professional leave may be granted to any certified employee of the District, and the Board may grant pay in part or in full for any professional leave granted.

**2. Conferences and Visitations**

The Superintendent may authorize professional leave for visitations, attendance of personnel at state, regional, and national meetings, workshops and conferences without pay deduction. Certified personnel are to submit requests for professional leave in writing to their immediate supervisor. The immediate supervisor will forward the request with recommended approval or disapproval to the Superintendent. The Superintendent will be responsible for judging the absences for professional leave that will be allowed. Factors such as budget, limitations for employing substitutes, and reimbursement for travel, meals, and lodging will be considered.

**3. Professional Development Summer Training**

Professional development activities will be conducted on designated contractual days. Daily pay rate for pre-approved summer training may be exchanged for a designated *professional development* day during the school year based upon prior approval of the immediate supervisor; however, the

Superintendent may approve summer *professional development* days with daily rate of pay with no exchange of days when considered as a direct benefit to the instructional program of the District.

4.

**Temporary Duty**

Employees may be assigned to temporary duty by the Superintendent or his/her designee for the purpose of performing educational services, including participation in school surveys, professional meetings, study courses, workshops, etc. In such cases, if the situation is interpretable as being a directed assignment by appropriate officials, the time spent away from regular duties will not be classified as leave but will be classified as temporary duty and will be reported on an appropriate form as such.