

Staff Leave Policy

The Board recognizes that there may be times when an employee is unable to fulfill the duties of their position due to various circumstances. Therefore, paid sick leave is provided for all employees in accordance with this policy and under the provisions of the Colorado Healthy Families and Workplace Act. Additionally, designated staff are awarded personal or vacation leave amounts outlined within this policy.

Sick Leave Accrual and Use

- Full Time employees working a minimum of 30 hours that are not year round employees will be granted 48 hours of sick leave per school year.
- Full Time-Year Round Employees working a minimum of 30 hours for 260 days will be granted 88 hours of sick leave per school year.
- Part Time employees working less than 30 hours will be granted 24 hours of sick leave per school year.
- Part Time employees working year round for 260 days per year at less than 30 hours per week will be granted 44 hours of sick leave per school year.
- Unused sick leave rolls over to the next school year.
- Employees cannot exceed 1,440 of banked sick leave.

Sick leave may be taken for the following reasons:

- Mental or physical illness
- Injury or health condition that prevents the employee from working
- Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition
- Needs to obtain preventive medical care
- Needs to grieve, attend funeral services or a memorial or deal with financial and legal matters that arise after the death of a family member
- The employee needs to care for a family member who: has a mental or physical illness, injury, or health condition; (II) needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or (III) needs to obtain preventive medical care
- The employee or the employee's family member has been the victim of domestic abuse, sexual assault, or harassment and the use of leave is to: (I) seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment; (II) obtain services from a victim services organization.
- Obtain mental health or other counseling.
- Seek relocation due to domestic abuse, sexual assault, or harassment; or seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
- Due to a public health emergency, a public official has ordered closure of: (I) the

employee's place of business; or (II) the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's 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.

Sick Leave Donation

District employees may donate sick leave to another employee to cover an absence. Each employee may donate leave up to 5 times per school year. All donations must be submitted to Human Resources using the designated form. These will be considered "additional" hours for the following guidelines.

Under extenuating circumstances, staff may require additional hours above their allotted leave balances. If the employee cannot gain enough hours donated from other employees, the employee may request additional hours to be granted. The superintendent or designee will review the case and grant additional sick leave hours to cover an absence as they see fit.

Guidelines

- If a member is receiving compensation from workers' compensation or the PERA disability fund, he or she will not be eligible to receive additional hours for the same period of time.
- Additional hours will only be used for lengthy, confined, unforeseen illness or injury of the member. However, when an illness originally covered by additional hours requires follow-up treatment(s) resulting in non-consecutive absences, sick leave additions may be used. Additional hours may not be used for elective surgery. Lengthy and confined are defined as an illness prohibiting the employee from performing their normal duties for a period longer than five four consecutive work days.
- Employees will apply to the Superintendent and Human Resources for the use of additional hours. The Superintendent and HR will determine the validity of the member employee's request and determine whether the request will be denied, granted, or granted in part. In making these determinations, the committee will give consideration to the employee's past conservation and fair use of leave policies. Consideration will also be given to the seriousness of past illnesses, current illnesses, injuries and any unusual circumstances involved.

- Further, in making these determinations, the committee will review the information presented by the employee and may consider the information available from any other source.
- Employees will provide a written request to the Superintendent and HR for use of additional hours. A letter from an attending physician stating that the individual is not able to perform the normal duties of the job may be required.
- Maternity leave—does not qualify for additional hours. However, complications during pregnancy or after pregnancy that prohibit an employee from performing their normal job duties may be eligible for additional hours.
- Additional hours awarded can be applied retroactively to cover the first four days of the illness.

Personal Leave

Full time staff are eligible for personal leave for each school or fiscal year in the following increments:

- Full Time Certified, SSP, Non-Year Round Classified/Admin/Perm Sub/LT Sub who work 30 hours or more per week will be granted 45 hours of personal leave per school year.
- Year Round Full Time Staff who work 30 hours per week for 260 days per year will be granted 16 hours of personal leave per fiscal year.
- At the end of each fiscal year, any balance of personal hours 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 by the immediate supervisor with advanced written notice. Under extenuating circumstances, the immediate supervisor can grant leave without prior notice.
- Staff will not be able to request time off on the day before or the day following a scheduled break. If the leave is taken anyway, the employee will not be paid for that date. The district will not deny leave related to the provisions under the Colorado Healthy Families and Workplace Act as it relates to sick leave.
- When a leave is not approved the employee may choose to appeal the decision to the superintendent or designee.
- Under no circumstances shall personal leave be granted for employment elsewhere.
- Employees with excessive absenteeism may be subject to disciplinary action up to and including termination.
- If an employee does not give notice of absence, it will be considered a “no call, no show” and may be subject to disciplinary action up to and including termination.

- After all personal leave is exhausted, salary deductions shall be made in an amount equal to proportionate contract hours of the employee's salary for each actual day of work that the employee misses.
- All leave submissions will be processed as submitted during payroll processing. Employees are responsible for selecting the correct leave bank from which they wish to take leave. After payroll processing, the district will not reimburse or adjust leave balances. If an employee mistakenly selects the wrong leave bank, they must contact their building administrator before payroll processing to correct the designation.

Request for Time Off

All employees must request an absence at a minimum of 2 hours prior to the start of their shift.

Sick Leave to Personal Leave Conversion

- If a full-time 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
- Conversions can only be made once per fiscal year
- Must maintain a minimum of 45 hours of 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 the employee may be subject to a salary deduction.
- If an employee terminates prior to the end of the fiscal year, any sick leave that has been converted will be paid out as sick leave.

Payment of Leave

- **Sick Leave Payout Upon Termination**
Upon termination of employment for reasons other than retirement, an employee will be paid for a maximum of 108 hours of accrued sick leave not taken. Payment will be based on one-half of the hourly rate of a substitute teacher. In the event of death, such payment will be made to the employee's estate. The employee must be employed with the district for at least 90 days to receive sick leave payout.
- **Personal Leave Payout Upon Termination**
Upon termination of employment for reasons other than retirement, an employee will be paid for a maximum of 48 personal hours not taken based on the employee's current hourly rate. The employee must be employed with the district for at least 90 days to receive personal leave payout.
- **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 270 hours 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.

Twelve-Month Staff Vacations and Holidays

Year Round Employees

Holidays for Year Round Employees shall be indicated by Human Resources in partnership with the Superintendent annually. The holidays shall be chosen in relation to the day of the week in which the holiday falls.

The following days are considered paid holidays for support staff:

- Thanksgiving and the Friday following
- Christmas Day and the afternoon of December 24
- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Three floating holidays

When a holiday falls on a weekend, it will be observed on the preceding Friday or the following Monday, provided that school is not in session. Essential operations, such as building heating, must continue on both holidays and weekends.

If an emergency or scheduled event requires staff to work on a holiday, they are entitled to holiday pay plus their hourly rate at time and a half for the hours worked on that holiday. Employees will receive time and a half only if they have worked their regularly scheduled hours during the holiday week.

Vacation-Year Round Employees

- Full Time Employees working a minimum of 30 hours and working year round shall be granted annual vacation leave.
- The accruals of vacation are as follows:
 - 5 years of service or less: 6.66 hours per month
 - 6-10 Years of service: 10 hours per month
 - 11+ Years of service: 13.33 hours per month
- The maximum number of accrued vacation hours may not exceed 240 hours.
- Upon termination, an employee shall be paid for all unused accrued annual vacation leave to the maximum of 240 hours at the employee's daily rate of pay.
- The accrual allotment will be adjusted on the first month of the fiscal year following the completion of the required service.

Bereavement Leave

- Bereavement leave of up to 10 work days shall be granted to all employees in the event of a human death in which the employee needs to grieve.
- The bereavement leave of the individual must be used within 2 years from death.
- An employee may choose to use additional sick, personal, or vacation leave to grieve with the approval of the employee's immediate supervisor and superintendent.

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.

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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
GBGJ, Staff Bereavement Leave
GCD, Twelve-Month Staff Vacations and Holidays
GDD, Full Time, Twelve Month Support Staff Vacations and Holidays

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