

Leave Accrual

An employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

State Leave

Deductions

Leave without Pay

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

Leave Proration

*Employed for
Less Than Full
Year*

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave and local leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:

1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.

*Employed for Full
Year*

If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

Recording

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all employees.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
3. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

Order of Use

Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:

1. Local leave.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.

Use of extended sick leave, leave donation, and other unpaid leave shall be permitted only after all available state and local leave has been exhausted.

Concurrent Use of Leave

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

State Personal Leave

Discretionary use of state personal leave is at the individual employee's discretion, subject to limitation set out below.

Discretionary Use

Limitations

Request for Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee at least five days in advance of the anticipated absence.

Discretionary use of leave shall be granted on a first come, first served basis, with a maximum of five percent of campus employees in each category permitted to be absent at the same time for discretionary use of state personal leave. A campus with fewer than 40 staff members shall be allowed a maximum of two employees absent at any one time for discretionary use of state personal leave. In deciding whether to approve or deny a discretionary leave request, the principal or supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee, shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and or District operations, as well as the availability of substitutes.

Discretionary use of state personal leave shall be considered granted unless the supervisor or designee notifies the employee to the contrary within 48 hours of receipt of the request.

Other Limitations

Discretionary use of state personal leave shall not exceed five total workdays per academic calendar year.

Generally, requests to use state personal leave shall not be granted:

- a. The day before or after school holiday.
- b. The day before or after any semester.
- c. Any day on which staff development or professional learning is scheduled.
- d. Any other time determined by the supervisor or designee for which the employee's absence impacts the educational program or District operations.

However, notwithstanding the limitations set forth in sections (a) through (d) above, discretionary use of state personal leave shall be allowed for an employee absence in observance of a religious holy day.

Local Leave

Local leave for the current year is available as earned. Employees will earn leave at the rate of approximately one-half day per month while on the job, as detailed on the payroll departmental leave accrual table. [See DEC1(EXHIBIT A)]

Parent-Child
Bonding Leave

An employee may use a maximum of 25 leave days of accumulated local leave for the purpose of enhancing parent-child bonding when the employee becomes a parent, either through the natural or adoptive process. Such leave shall run concurrently with FMLA leave, if applicable, and shall be used only within 30 days of the birth of the child or the date of adoption. Additional unpaid leave may be available under the FMLA.

Reinstatement
Upon Rehire

An employee who separates from the district and is rehired within two years is eligible for reinstatement of any previously accrued but unused local leave. Days for which the employee received payment at resignation shall not be available to the employee.

Extended Sick Leave

To be eligible for extended sick leave, the following shall apply:

- 1. The employee shall have been employed by the District for a minimum of three years.
- 2. At the beginning of the school year, the employee shall have accumulated at least 30 state leave and local leave days that must be used prior to use of extended sick leave.
- 3. The employee shall submit a statement of a healthcare provider licensed to practice in the state of Texas verifying the illness or injury, or the employee or a relative or representative of the employee may submit certification of the family member's death.

4. The employee shall submit a written request to the Assistant Superintendent for Human Resources (or designee) for review of eligibility and approval.

ADA Leave

Having a bank of accrued leave does not entitle an employee to take paid leave unless the employee has been approved to take a specific form of leave identified in Board Policy DEC(LOCAL). If an employee has exhausted, or is not eligible for, any other form of leave and seeks additional leave due to a temporary disability or illness, an employee must make a request for ADA leave to the Assistant Superintendent for Human Resources and provide the appropriate medical documentation. The employee’s eligibility for ADA leave shall be considered as a request for a reasonable accommodation, as required by the Americans with Disabilities Act [see DAA(LEGAL)].

Other Absences

Any other leaves granted or days of absence shall result in the deduction of the employee’s daily rate for each day of absence, unless otherwise provided. In addition, absences without paid leave or approved unpaid leave, as well as excessive absenteeism, may result in disciplinary action, up to and including termination of employment.

Excessive Absenteeism

When an employee’s absences interfere with the employee’s ability to fulfill required job responsibilities, establish a pattern of absences, or exceed the annual allotted state and local days, with the exception of approved leave, such absences may be considered excessive. If absences are deemed excessive, the employee may be subject to disciplinary action up to and including termination of employment.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Fitness-for-Duty Certification

If the District will require certification of the employee’s ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.

Failure to Return

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

Payment for Accumulated Leave

The following leave provisions shall apply to accumulated state and local leave.

Upon Retirement

Full-time employees who have been employed by the District a minimum of five years and who retire under the Teacher Retirement System of Texas (TRS) guidelines shall be paid for

unused state leave and local leave at retirement, up to the number of workdays for one contract year or the number of duty days specified for the position, whichever is appropriate. Payment shall be at the certified substitute teacher rate of pay, approved by the Board each year through the compensation plan, for exempt employees, including administrators. For all other nonexempt employees, the rate of pay shall be 50 percent of the employee's daily rate of pay, not to exceed the daily rate of pay for a non-degreed substitute teacher.

Upon Resignation

A professional employee who resigns with at least five consecutive years of service in the District may be paid for accumulated unused local leave at the certified substitute's daily rate of pay, up to the number of contracted days in one school year.

The employee must provide advance written notice of intent to retire/resign from employment as follows:

1. Chapter 21 contract employees must have their resignations accepted by the Superintendent.
2. All other employees must provide at least two weeks' (ten workdays') notice.

401(a) Plan

An employee qualifying for reimbursement for unused leave shall have the funds deposited to a federally approved 401(a) plan. The employee may then choose from among the financial options available in the plan.

District employees employed by the District and assigned to duty as of May 1, 2001, must elect no later than May 31, 2001, whether to receive this benefit in cash. All persons beginning their assignments after May 1, 2001, and those employees eligible to make the election for cash but failing to do so by May 31, 2001, shall have their leave reimbursement made to the federally approved 401(a) plan.

Upon Death

The estate or authorized spouse of a deceased employee with at least five consecutive years of service who dies while employed by the district shall be eligible for reimbursement of the employee's applicable unused state and local leave, up to the number of workdays for one contract year or the number of days specified for the position. Eligible payment shall be at the certified substitute teacher rate of pay for exempt employees, including administrators. For nonexempt employees, the rate of pay shall be 50 percent of the employee's daily rate of pay, not to exceed the daily rate of pay for a non-degreed substitute teacher.

**Multiple
Assignments**

When an employee has multiple assignments, all hours worked will be combined to determine the length of the employee's workday and calculate earned leave.

Procedures

The following procedures shall apply when employees are absent from duty in accordance with DEC(LOCAL):

1. An Absence from Duty form shall be submitted to the immediate supervisor when an employee returns to work from personal illness or injury. Forms may be obtained by mail or in person from the campus office or department secretary. Absences in excess of three work days require medical documentation confirming release to return to work.
2. An employee planning to request discretionary personal leave shall complete a Discretionary Personal Leave Request and submit it to the principal or supervisor. The principal or supervisor shall be notified a minimum of five work days in advance of the requested leave date, except in cases of emergency.
3. An employee shall notify the immediate supervisor by the time stipulated (specific to site or department) on or before the day of absence so that arrangements may be made for a substitute, if necessary.
4. A Leave of Absence Request shall be submitted by the employee directly to the Human Resources Department along with all required documentation. The employee should notify the principal or supervisor a minimum of five work days in advance of the requested leave date, except in cases of emergency.
5. In the event an employee is unable to request a leave of absence in writing, it is the responsibility of the principal or supervisor to notify the Human Resources Department in writing of the inability of the employee to report for duty. The employee will still be required to adhere to DEC(LOCAL) and complete necessary forms as soon as possible.
6. Once the Human Resources Department receives a complete Request for Leave of Absence with all required documentation, a Personnel Action Notification (PAN) will be created and forwarded to the supervisor. Incomplete requests for leaves shall not be granted.
7. An employee eligible for leave under the Family Medical Leave Act (FMLA) shall request such leave on the Leave of Absence Request Form. Such leave will run concurrently with paid state and/or local sick leave [See DEC(LOCAL)]. A

physician's certification is required to determine eligibility for FMLA. Leave that qualifies as FMLA leave will be so designated by the Human Resources Department upon receipt of the required documentation from the employee. The Human Resources Department will notify the employee in writing of the approval status of an FMLA request.

8. An employee shall submit a full medical release or fitness for duty form completed by a physician to the Human Resources Department prior to return to duty.
9. Accrual and use of leaves and absences shall be recorded for each employee by the designated school or department secretary and the Payroll Department.
10. An employee's state and local leave days for the upcoming year will be posted on the first payroll check of the employee's annual work calendar (July 5, August 5, or September 5).

Eligibility

A new employee is not eligible for sick leave until he or she has completed at least one full day's work in the District.

Health Insurance

An employee on leave of absence or temporary disability leave may continue his or her participation in the District health insurance plan in accordance with the provisions of CRD(LOCAL).

Substitute Charges

An employee must be charged for an absence even if no substitute is required. All absences of professional and paraprofessional employees should be reported through the absence tracking system.

An absence during a conference period will be handled as any other period regarding the charges made against an employee's accumulated sick leave. Any absence in excess of one hour constitutes a half-day. Any absence in excess of four hours is considered a full day.