STAFF LEAVES AND ABSENCES

Code **GCC-R** *Revised* **11/25**

Procedures regarding absences

An absent employee must furnish a signed statement setting forth the specific reason(s) for his/her absence. The statement must be turned in to the employee's supervisor within two days after the employee returns to work.

An employee will notify his/her immediate supervisor as early as practicable when it is necessary for him/her to be absent.

An employee who anticipates taking an extended leave of absence should submit the request for leave to his/her supervisor at least 30 calendar days prior to the effective date of the leave. The leave request should include a statement from a licensed medical doctor giving the expected delivery date or stating the anticipated length of convalescence.

Any employee returning from a leave of absence may be required to present a statement from the attending physician certifying the employee's ability to return to a normal work schedule.

When the employee makes a request in writing, the superintendent may grant an employee leave without pay for personal illness following the exhaustion of all accrued sick leave. Leave with and without pay will not exceed 91 workdays in any school year and is not to extend beyond the immediate school year.

Verification and use of sick leave

The use of sick leave may be subject to verification. Specifically, the district reserves the right to require that an employee submit a doctor's statement verifying an illness along with an absence report form. The building principal or employee's immediate supervisor has the discretion to request such a statement.

If an employee's use of sick leave forms a pattern and abuse is suspected, the principal/supervisor may also require a doctor's statement.

In order for the district to provide for the continuity of the educational programs and plan for adequate substitutes, an employee who is absent for more than 10 continuous workdays must provide a physician's statement of diagnosis and prognosis so that the district may determine the earliest possible date of return. The employee's immediate supervisor will notify him/her that he/she must provide the physician's statement.

If the employee does not provide the physician's statement within five workdays following the written notification, the district may terminate his/her employment.

Improper Deductions

The board prohibits improper pay deductions. Staff members who believe that improper pay deductions have been taken should immediately report the concern to the

superintendent. Staff members will be reimbursed for improper deductions. If a staff member's request for reimbursement is denied, the staff member may appeal that decision by following the grievance procedure set forth in board policy.

Nothing in this policy will prevent the district from properly charging absences against sick leave, personal leave, or other such leave or from making deductions from pay for unapproved or unpaid absences as established in board policy.

Family and Medical Leave Act (FMLA)

The following administrative rules apply only to the Family and Medical Leave Act.

- Eligibility

An employee who has worked for the district for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave.

For purposes of FMLA leave, a 12-month period is the district's fiscal year, July 1 through June 30.

The 12 months of employment need not be consecutive months.

- Types of leave
  An eligible employee may take FMLA leave for the following.
  - birth and first-year care of a child
  - adoption or foster placement of a child
  - serious illness of an employee's spouse, parent or child
  - employee's own serious health condition that keeps the employee from performing the essential functions of his/her job
  - a family member (spouse, son, daughter, or parent) on active duty or who has been called to active duty for any "exigency situation" as defined in federal regulation

  However, an eligible staff member who is the spouse, son, daughter, parent, or next of kin (nearest blood relative of the individual) of a covered service member is entitled to a total of 26 workweeks of leave in a single 12-month period to care for the service member with a serious illness or injury incurred in the line of duty on active duty. Leave under this paragraph is available only during a single year. During that year, the staff member is entitled to a combined total of 26 workweeks of leave under this policy.

  A serious health condition is one involving continuous treatment by a health care provider that results in a period of incapacity of more than three consecutive calendar days and involves extensive treatment. Such conditions as asthma and diabetes are included in this definition.

The district requires employees to use accrued vacation, personal or medical/sick leave for purposes of a medical leave.

- Spouses employed by the school district
  If a husband and wife eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster placement and parental illness may be limited to 12 weeks. An employee may not take FMLA leave to care for a parent-in-law.

  A husband and wife who are both eligible for family and medical leave and are employed by the district may be granted family and medical leave only for a combined total of 26 workweeks of leave per year if the leave is taken to care for a covered service member.

  A husband and wife who are both eligible for family and medical leave and are employed by the district may each be granted family and medical leave for 12 workweeks per year for the staff member's own serious health condition or to care for a spouse, son, or daughter with a serious health condition.

- Intermittent and reduced leave
  Intermittent leave is leave taken in separate blocks of time due to a single illness or injury.

  Reduced leave is a leave schedule that reduces an employee's usual number of hours per work week or hours per workday.

  Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child, parent, or for a serious injury or illness of a covered service member which requires treatment by a healthcare provider periodically, rather than for one continuous period of time. Such leave may not be used for the birth or adoption/placement of a child.

  The employee who wishes to use intermittent or reduced leave must have the prior approval of the district. Although the district and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave, but the district may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave. The employee must furnish the district with the expected dates of the planned medical treatment and the duration of the treatment. The superintendent must authorize such leave in writing.

- Benefits
  The district will maintain the employee's health coverage under the district's group health insurance plan during the period of FMLA leave. The employee should make

arrangements with the district to pay the employee's share of health insurance (e.g. family coverage) prior to the beginning of FMLA leave.

Increases in premiums or deductibles that apply to active employees also apply to employees on FMLA leave. An employer may drop coverage for an employee whose premium payment is late only after providing written notice to the employee that the payment has not been received. This notice must be mailed to the employee at least 15 days before coverage is to end and will advise that coverage will be dropped 15 days after the date of the letter unless payment has been received.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

- Notice
  When the FMLA leave is foreseeable, the employee must notify the district of his/her request for leave at least 30 days prior to the date when the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the district's operations.

  The district may deny the leave if the employee does not meet the notice requirements.

- Designation of leave as FMLA leave
  The district must designate the leave as paid or unpaid FMLA leave within five business days of learning that a FMLA reason supports the leave. The district must also provide other written information concerning the employees' rights and obligations under FMLA. If the district does not make the designation on time or provide appropriate information, the absence will not count against the employee's FMLA entitlement.

- Certification
  The district may require the employee to provide certification from a health care provider containing specific information required under the law if he/she requests a medical

  leave. If there is a question concerning the validity of such certification, a second and if necessary, a third opinion can be required, both at the expense of the district.

  Upon the employee's return to work, the district will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

- Restoration
  When the employee returns from leave, the district will restore the employee to the same or an equivalent position with equivalent benefits, pay terms and conditions of

employment in accordance with board policy. The employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to

perform all the essential functions of the job. An equivalent position is one that is the same or substantially similar in duties, responsibilities, conditions, privileges and status as the original position.

Under certain circumstances, the district may deny restoration to a key employee. The district will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the district to experience a substantial and grievous economic injury.

- Instructional employees
  Special leave rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a small group or an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have actual teaching or instructing as their principal job, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

  Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is to care for a family member or for the employee's own serious health condition or leave to care for a covered service member and the leave is foreseeable based on planned medical treatment and the employee would be on leave for more than 20% of the total number of workings days over the period the leave would extend, then the district may require the employee to choose one of the following.
    - take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment
    - transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position

  Employees taking leave which constitutes 20% or less of the working days during the leave period would not be subject to transfer to an alternative position.

  Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester, the district may require the employee to continue taking leave until the end of the semester under these conditions.
    - the leave will last at least three weeks
    - the employee would return to work during the three-week period before the end of the semester

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the

semester, the district may require the employee to continue taking leave until the end of the semester under these conditions.

- the leave will last more than two weeks
- the employee would return to work during the two-week period before the end of the semester

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the semester.

Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively, rather than intermittently. Summer and other vacations may not be counted against an employee's FMLA leave entitlement. An instructional employee on FMLA leave at the end of the school year must receive normal benefits over the summer vacation.

- Failure to return
  The district is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence or onset of a serious health condition or due to circumstances beyond the control of the employee.

Adopted 2/2/98; Revised 2/4/13; 11/10/25