

# Christine Duncan Leave Policy

## Proposed 6/9/2026

### Employee Leave Policy

Employee Leave Policy for Christine Duncan Heritage Academy offers employees paid and unpaid leaves of absence in times of personal need. Personal and sick leave is earned on a yearly basis in accordance with the employee's classification type

### General Provisions

Application for Leave: All forms of leave must be requested through the school approved leave portal and approved by the school administration. Employees must complete the required Leave Forms and receive the necessary approval before the leave requested may be taken. All leave needs to be reported in the AptaFund Portal or its equal if the software is replaced, and a paper copy of the leave form must be submitted to the business office. All Instructional employees must create emergency lesson plans and turn them into the business office to be stored. This should occur within the first two weeks of school.

Under normal circumstances, Leave will not be approved for the instructional staff during the following timeframes (Note: Approval by the Executive Director or a Principal may require documentation from a health care provider or other appropriate documenting sources):

- § During the first eight (8) instructional or Professional Development days and the last eight (8) instructional or Professional Development days that students are in session for each school year (all employees).
- § On the last work day prior to, or the first work day following, a holiday or school break.
- § On an in-service day/professional development day
- § Unapproved leave will result in leave without pay

Use of Leave: When an employee becomes ill or is injured on the job, sick leave begins at the time of inability to continue work, to the nearest half-hour. An employee, who is already on annual leave, personal leave, or leave without pay, including parental leave, may not be eligible to use sick leave benefits.

### Employee Classifications

**Administrative/Office Staff** – Employees who have an employment contract that extends past the NMPED approved instructional calendar typically from fiscal year beginning to fiscal year end.

**Instructional Staff** – Employees who have an employment contract that aligns with the NMPED approved instructional Calendar for the year

## Types of Leave

### Personal Leave:

- **Administrative/Office Staff** – Personal leave is accrued at the rate of **1 day (8 hours) per month** of full employment, for a total of **12 days (96 hours) per year**. Personal leave will carry over from year to year until the employee reaches the maximum accrual cap. Personal leave is capped at **120 hours (15 days)** per employee. Any unused personal leave at the time of resignation or termination will **not be compensated**.  
Administrative/Office Staff who choose to take a **Summer vacation** when school is not in session will generally be required to use available **personal leave** for those days. Any exceptions or alternative arrangements must be approved in advance by the Executive Director or Principal.
- **Instructional Staff** – All instructional staff are given 2 days (16 hours) of personal leave at the beginning of their contract start for the fiscal year. All personal leave requests must follow the general provisions listed above. Unused personal leave will not be carried over and will be un-compensated.

### Sick Leave:

- **Administrative/Office Staff** – Sick leave is accrued at 1 day/8 hours per month of full employment for a total of 12 days/year or 96 hours/year. This leave will carry over each year until the employee hits the sick leave cap. Sick leave will be capped at 160 hours or 20 days per employee. Sick leave at time of resignation or termination will be un-compensated.
- **Instructional Staff** – Sick Leave is accrued at 1 day/8 per month for term of the instructional contract to a total amount of 11 days or 88 hours per year. An employee earns 0.5 days/4 hours in both July and June of the contract year and 1 day/8 hours for every other month of employment. The sick leave cap for Instructional employees is set at 160 hours or 20 days per employee.
  - Instructional staff sick leave can be sold back to the school at the rate of \$100/day or 8 hours at the beginning of a returning school year provided the following conditions -
    - The school has a positive fiscal position and budget authority for the compensation.
    - The employee must have over 10 days/80 hours accrued from the prior school years.
    - The employee cannot sell days or hours that would take their minimum sick accrual balance under 10 days/80 hours.
- Inappropriate or improper use of sick leave may be cause for disciplinary action, up to and including termination. Sick leave accruals will discontinue when an employee is on a leave without pay status. In the event of an illness or injury that is covered by workers' compensation insurance, this Sick Leave Policy will not apply, but will defer to state

statutes. At the time of termination of employment, the employee will receive no additional pay for unused sick leave. Employees shall be required to give thirty (30) days advance notice in the event of a foreseeable medical treatment involving the use of sick leave. To assist us in arranging work assignments during your absence, we ask that you give us prior notice, to the extent possible, of an expected birth or adoption, as well as an indication, to the extent known, of your expected return date. To facilitate your return to work, we also ask that you provide us with advance notification of your intended return date. Failure to do so may delay your return date. Benefits that accumulate on an accrual basis (vacation, sick and personal days) will cease to accrue during the leave period. Employees may choose to use all accrued, unused vacation and personal days during the leave period. Once such benefits are exhausted, the balance of the leave will be without pay. The employee may or may not qualify for unpaid leave under the federal Family Medical Leave Act (FMLA). Group insurance benefits (medical, dental, vision, LTD and life) will continue during the leave provided the employee continues to make required contributions to these plans. Failure to make such contributions will result in the termination of these benefits. If an employee fails to return to work after Family Medical Leave, the employee will be held liable for the amount of health insurance premiums paid by CHRISTINE DUNCAN HERITAGE ACADEMY during the employee's unpaid leave. Other benefits, such as retirement and 403(b) plans, will be governed in accordance with the terms of each plan. In the case of an employee's own serious health condition, before the employee will be permitted to return from medical leave, he or she will be required to present CHRISTINE DUNCAN HERITAGE ACADEMY with a written physician's statement indicating that the employee can return to work and perform the essential functions of his/her position. In addition, the employee must submit the Return to Work Certificate which the treating physician completes.

**Assault Leave** may be granted, upon request, to employees who suffer time lost resulting from physical injuries caused by an assault while carrying on the duties/ responsibilities of the position. An assault shall mean an intentional act which causes an injury. This leave is granted with or without pay, depending upon the circumstances of each situation. The Board reserves the right to have the employee examined by a physician, in order to determine the employee's right to receive benefits. Benefits will go into effect immediately and remain in effect until such time as it is determined that benefits should not be provided. In such an event, the employee will assume all expenses, including leave without pay if sick leave has been exhausted.

**Bereavement Leave:** Up to three (3) working days of leave with pay (not charged to other leave time) may be granted, upon request, to full-time employees to make arrangements for and attend funeral services of the employee's spouse, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, daughter-in-law, son-in-law, brother, sister, sister-in-law, brother-in-law, others who reside in the same household as the employee, or a person in loco parentis.

**Court Leave/Jury Duty:** Except as a plaintiff or defendant, court leaves with pay will be provided where an employee is required by a lawful subpoena to testify in a court or administrative proceeding. Court leave with pay will be granted for jury duty, provided a copy of the summons or subpoena must be attached to the Request for Leave Form. The employee shall remit money received for jury duty, except that paid for mileage and/or subsistence, to the budget analyst. Court leave with pay will be granted to employees whose absence is due to an action against the Board on account of physical injuries suffered by the employee while on duty, but not for absence resulting from the employee bringing action against the Board for any other reason.

**Funeral Leave:** Employees may be excused without loss of pay by their immediate supervisor, for a period up to three (3) hours, to attend funeral services of others than members of the immediate family provided no substitute is required.

**Professional Leave:** Leave with pay may be granted for professional visitation and attendance at job-related meetings, conferences and training services or other activities that in the administration's judgment would be beneficial to the work of the employee or to the School. Such leave may or may not involve the reimbursement of expenses, including substitutes, depending upon the mutually agreeable arrangements made prior to leave. One day of leave may be granted to a certified employee on the day of the certified employee's oral examination for an advanced degree.

**Religious Leave:** Leave may be granted, upon request, to all employees for observance of recognized religious events. This leave is unpaid and may be granted for up to two (2) days per year.

**FMLA Leave:** Christine Duncan Heritage Academy grants unpaid, job-protected leaves of absence pursuant to the FMLA to eligible employees. To be eligible under the FMLA, the employee must be employed at least 12 months and have worked at least 1,250 hours at the school during the 12 months preceding the commencement of leave. Whenever possible, employees must notify their supervisor at least 30 days prior to taking FMLA leave, stating the reason for the leave. Appropriate certifications for any serious illness or health condition may be required. The school may ask for or require a second medical opinion at the school's expense. Documentation confirming family relationship, adoption or foster care may be required. The maximum time allowed for FMLA leave is a total of 12 weeks in the 12-month period as defined by the school.

**Military Leave of Absence:** CHRISTINE DUNCAN HERITAGE ACADEMY will grant a military leave of absence if an employee is absent from work because he/she is serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees who perform duty, voluntarily or involuntarily, in the "uniformed

services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, as well as the reserve components of each of these services, Army National Guard, Air Force National Guard, Commissioned Corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency, will be eligible for re-employment after completing duty, provided: 32 a. They provide written or verbal notice of their orders to their supervisor/Human Resources as soon as received (unless precluded by military necessity or otherwise impossible/unreasonable) b. They satisfactorily complete duty of five (5) years or less; c. They begin duty directly from employment with CHRISTINE DUNCAN HERITAGE ACADEMY; and d. They apply for and are available for re-employment as follows:

- 1) Less than 31 days of service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then it must occur as soon as possible.
- 2) 31 to 180 days: No later than 14 days after completion of duty. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- 3) 181 days or more: No later than 90 days after completion of duty.
- 4) Service-connected injury/illness: Reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or recovering.