

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

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1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Of ^ Á ^!•[} Á^•ãá * Á Á@Á{] [^^^qÁQ~•^@|áÁæ@Áá ^Á of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

V@Á!{ Áæ á Á{ ^!*^} & +Á @ÁÁ^Áá á^áÁ Áãæ c!•Áæ áÁá- threatening situations involving the employee or a member of the ^{] [^^^qÁ { ^ãÁæ Áæ á È

QÁÁæ^Áæ +Á!Á~! [••Á -Áæ} á * È^•È!Á&|áá * Á -Áæ^Á shall mean the number of hours per day equivalent to the employ- ^^qÁ~ áÁæ•á } Ù Ùãç^Áæ ^^

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

Employees 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.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
3. The employee has a chronic health condition or that of a spouse, parent, or child;
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

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

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used:

Non-Discretionary Use

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Non-discretionary use includes leave related to the birth or placement of a child and taken within the first year after the

Discretionary Use

2. Discretionary use of leave shall be for the same reasons as listed in section 1, subject to limitations set out below.

Limitations

Request for Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider

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the reasons for which an employee requests to use leave.

The supervisor or designee shall, however, consider the effect

of such leave on the District operations, as well as the availability of substitutes.

Duration of
Leave

Discretionary use of state personal leave shall not exceed five consecutive workdays.

Local Leave

All employees shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate to a maximum of 100 leave days.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year [see DEC(LEGAL)], except that an employee may contribute local leave to a sick leave bank.

An employee may also use local leave for absences related to the birth or placement of a child when leave is taken within the first

Sick Leave Bank

The District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave.

If the employee is unable to request leave from the sick leave bank, the supervisor may submit the request.

The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must donate to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

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All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

For purposes of this section, a 12-month period shall be measured forward from the date an individual is first placed on leave.

If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

If an employee is on leave for a serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.

If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), Leave at the End of a Semester]

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

Any full-time employee shall be eligible for temporary disability

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Note: This section does not require the continuation of CRD(LOCAL) regarding payment of insurance contribution during employee absences.

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.

Employees on FMLA leave, temporary disability leave, and not on assault leave, may elect in writing to use paid leave.

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deductible.

For employees hired after May 31, 2003, only unused local leave days shall be eligible for compensation. For employees hired prior to or on May 31, 2003, unused state and local leave days shall be eligible for compensation.

In order to receive compensation for unused days retireme

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3. If the employee submits written notice of retirement to the human resources department no later than 45 calendar days prior to the effective date of retirement of the school year in which the employee plans to retire, the employee shall receive 50 percent of the eligible compensation.
4. If the employee submits written consideration to the Superintendent less than 45 calendar days prior to the effective date of retirement of the school year in which the employee plans to retire, the employee shall be eligible for 25 percent of the eligible compensation.
5. After these deadlines, exceptions for sudden, unexpected events may be appealed to an administrative committee.

Retirement at the
End of the School
Year

In order to receive compensation for unused days at retirement, an employee retiring at the end of the school year must:

Eligibility

1. Be eligible for retirement benefits from the Teacher Retirement System of Texas, and
2. For employees hired after July 1, 2003, have been employed by the District without any break in service for a minimum of five years. For employees hired prior to or on July, 1, 2003, no minimum years of service shall be required.

Notification

The eligible employee shall receive compensation for unused leave as follows:

1. If the employee submits written notice of retirement to the human resources department by March 1 of the school year in which the employee plans to retire, the employee shall receive 100 percent of the eligible compensation.
2. If the employee submits written notice of retirement to the human resources department by April 1 of the school year in which the employee plans to retire, the employee shall receive 75 percent of the eligible compensation.
3. If the employee submits written notice of retirement to the human resources department by May 1 of the school year in which the employee plans to retire, the employee shall receive 50 percent of the eligible compensation.
4. If the employee submits written consideration to the Superintendent after May 1 of the school year in which the employee plans to retire, the employee shall be eligible for 25 percent of the eligible compensation.

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5. After these deadlines, exceptions for sudden, unexpected events may be appealed to an administrative committee.

The date of May 31, 2003, is established as the date for the cap for the compensation of eligible unused leave days at retirement or death. This capped amount shall be used to determine an employee's compensation for unused leave at the time of retirement or death. The employee shall have his or her capped amount compensation reduced by 20 percent.

If retirement does not occur prior to July 1, 2005, the employee