

## **Professional Staff Leaves and Absences**

**GCBD**

The Board will provide a plan for leaves and absences designed to help members of the district's professional staff maintain their physical health, take care of family and other personal emergencies, grow professionally and discharge important and necessary obligations.

- Full-time, professional staff will receive full leave as listed below.
- Professional staff working less than full-time will receive pro-rated leave. Temporary absences for necessary and justifiable reasons will not require Board approval, but may be authorized by the superintendent and school-building administrators without disruption of the school program. All requests for long-term leaves of absence will be submitted by the superintendent, along with his recommendation for Board action.

**Sick Leave** - Sick leave is granted at the rate of 10 days per year, cumulative to 55 days. The majority of sick leave is to be used for the illness of the staff member. However, individuals will be allowed to use sick leave to care for members of their immediate family or as otherwise provided by law. "Immediate family" members will be defined by the employee.

**Sick Leave Bank** - The school district will maintain a sick leave bank for the use of employees who have used all their sick leave and are unable to return to work.

To qualify for use of the sick leave bank the employee must have contributed one day's sick leave to the bank.

The number of days available to the bank will be limited to the number of employees assigning one day's leave from their personal allotment to the bank. At the end of the school year, the number of days in the sick leave bank reverts to zero.

The sick leave bank will be administered, under the direction of the superintendent, by a committee consisting of 3 certified or professional employees and 2 classified employees. Certified members will be selected by building principals from the three attendance areas: Hulett, Moorcroft, and Sundance (Bear Lodge High School is part of Sundance.) When an opening occurs, the principal(s) from that attendance area will select the certified committee member. The two classified members will also be selected by administrators and will be from different attendance areas.

The following guidelines will be followed by employees and the sick leave bank board:

1. Each eligible employee must use all accrued sick leave before applying to the sick leave bank for additional sick leave.
2. All requests must be in writing.
3. Requests for additional sick leave days will be reviewed by the sick leave bank board. The decision will be presented to the employee and the administration in writing. The decision will be final and no provision for appeal is available.
4. No restrictions are placed on the sick leave bank other than those imposed by the sick leave bank board.
5. Employees are encouraged to help police the sick leave bank program and to protect it from abuse.

**Personal Leave** - Leave will be granted in the amount of two (2) days for every year of employment for the purpose of conducting personal or business matters. The leave is cumulative to 6 days. Personal leave must be approved by the building administrator prior to leave. Unused personal leave will be compensated at the rate paid substitute employees at the time of termination of employment or for excess days beyond the maximum of 6 days.

**Professional Leave** - Two days of professional leave may be granted to employees employed primarily in an instructional capacity. The leave may be used only for attendance at

subject matter workshops, either on a state or national level, that are designed to improve classroom instruction. The leave must be approved by the building administrator.

Emergency/Bereavement Leave - This is paid leave time which is designated for use due to a serious illness in which death is a possible factor or a death in the immediate family. "Immediate family" will be defined by the employee. In the event of a serious illness or a death in the immediate family, leave may be granted as follows:

1. The building administrator may grant from one (1) to five (5) days of paid leave for an individual family member.
2. In the event of serious illness or the death of another family member covered by this policy, Step 1 will be followed again.

Maternity Leave - An employee who becomes pregnant may continue to work as long as her health permits and as long as she is satisfactorily performing the duties required of her job. Prior to the date of her expected delivery, she will request leave until she can return to work as determined by her doctor.

Family Leave - The district believes in and supports the Family and Medical Leave Act of 1993 (P.L. 103-3), as amended by Section 585 of the National Defense Authorization Act for FY 2008. (P.L. 110-181) and as amended by Section 565 of the National Defense Authorization Act for Fiscal Year 2010, (P.L. 111-84). To be eligible for benefits under this policy, an employee must have been employed by the district for at least 12 months and for at least 1,250 hours of service with the district during the previous 12-month period.

*General requirements.* An eligible employee will be entitled to a total of 12 work weeks of leave during any 12-month period (July 1 – through June 30) for one or more of the following:

1. Because of the birth of a son or daughter of the employee and in order to care for the son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, or a son, daughter, or parent, of the employee, if the spouse, son, daughter, or parent has a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of his or her position;
5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

*Entitlement to leave.* Leave under sections (1) and (2) for a birth or placement of a son or daughter will expire at the end of the 12-month period beginning on the date of the birth or placement. Leave to care for a child includes leave for a step-parent or a person in loco parentis.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 work weeks of leave during a 12-month period to care for the service member, which is only available during a single 12-month period. During this single 12-month period, an eligible employee is entitled to a combined total of 26 work weeks of all available leave. Nothing in this paragraph will limit the availability of leave under section (1) through (5) during any other 12-month period.

*Intermittent/reduced leave.* Leave under sections (1) and (2) may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the district agree otherwise.

Generally, leave under sections (3) or (4) or to care for covered service member may be taken intermittently or on a reduced leave schedule when medically necessary. Taking leave intermittently or on a reduced leave schedule to care for a covered service member will not

result in a reduction in the total amount of 12 week leave to which the employee is entitled beyond the amount of leave actually taken.

If any employee not employed in an instructional capacity requests intermittent leave or leave on a reduced leave schedule under sections (3) or (4) or to care for a covered service member that is foreseeable based on planned medical treatment, the district may require the employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that has equivalent pay and benefits and would better accommodate recurring periods of leave than the regular employment position of the employee.

If any employee employed principally in an instructional capacity requests intermittent leave or leave on a reduced leave schedule under sections (3) or (4) or to care for a covered service member that is foreseeable based on planned medical treatment and the employee will be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the district may require that the employee elect either:

1. To take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
  2. To transfer temporarily to an available alternative position offered by the district for which the employee is qualified; and
    - a. has equivalent pay and benefits; and
    - b. better accommodates recurring periods of leave than the regular employment position of the employee.
1. This option will only be considered with respect to an employee who provides the district with not less than 30 days' notice before the date leave is to begin and of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee will provide notice as soon as is practicable.

*Leave near the conclusion of an academic term.* The following rules will apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by the district:

1. If the employee begins family leave more than 5 weeks prior to the end of the academic term, the district may require him or her to continue taking leave until the end of the term, if
  - a. the leave is of at least 3 weeks duration; and
  - b. the return to employment would occur during the 3-week period before the end of the term.
2. If the employee begins leave under sections (1), (2), or (3) or to care for a covered service member during the period that commences 5 weeks prior to the end of the academic term, the district may require him or her to continue taking leave until the end of the term, if
  - a. the leave is of greater than 2 weeks duration; and
  - b. the return to employment would occur during the 2-week period before the end of the term.
3. If the employee begins leave under sections (1), (2), (3) or to care for a covered service members during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the district may require him or her to continue to take leave until the end of the term.

*Unpaid/paid leave.* Leave will be considered unpaid leave. If the eligible employee has paid leave, including vacation days, sick leave and personal days, the employee must substitute the accrued paid leave for unpaid leave.

*Foreseeable leave.* In any case where the need for leave under section (1) or (2) is foreseeable based on an expected birth or placement, the employee will provide the district with not less than 30 days' notice before the date leave is to begin and of the employee's intention to take leave. If the date of the birth or placement requires leave to begin in less than 30 days, the employee will provide notice as soon as is practicable.

In any case where the need for leave under section (3) and (4) or to care for a covered service member is foreseeable based on planned medical treatment, the employee will make a

reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the district. The employee will provide the district with not less than 30 days' notice before the date leave is to begin and of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee will provide notice as soon as is practicable.

In any case where the need for leave under section (5) for a qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee will provide notice to the district as is reasonable and practicable.

*Both spouses employed by the district.* In any case in which a husband and wife entitled to leave are both employed by the district, the aggregate number of work weeks of leave to which both are entitled is limited to 12 work weeks during any 12-month period if leave is taken under section (1) or (2) or to care for a sick parent under section (3).

The aggregate number of work weeks of leave to which both husband and wife are entitled is limited to 26 work weeks during a single 12-month period for service member family leave if the leave is taken to care for a service member or for any combination of leave permissible.

*Certification.* The district requires that a request for leave under sections (3) or (4) or to care for a covered service member be supported by certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, or of the next of kin of an individual in the case of leave taken to care for a covered service member, as appropriate. The employee will provide, in a timely manner, a copy of the certification to the district.

In the case of employee illness, the district requires certification issued by the employee's health care provider that he or she is unable to return to work or is unable to perform the essential functions of his or her position.

The district may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

The district may require that a request for qualified exigency leave under section (5) be supported by a certification issued at such time and in such manner as the United States Secretary of Labor may be regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee will provide, in a timely manner, a copy of such certification to the district.

*Employment and benefits protection.* Any eligible employee who takes leave under this section for the intended purpose of the leave will be entitled, on return from leave to be restored to the position held by him or her when the leave commenced or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Taking family leave will not result in the loss of any employment benefit accrued prior to the date leave started or to any right, benefits, or position to which he or she would have been entitled had the employee not taken the leave.

Prior to restoring the employee, the district requires certification from his or her health care provider stating the employee is able to resume work.

During any period that an eligible employee takes leave under this section, the district will continue to pay the employee's health insurance premiums for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously. If the employee fails to return to work after the time leave has expired for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles him or her leave under section (3) or (4) or to care for a covered service member, or other circumstances beyond the control of the employee, the district may require the employee to reimburse the district for health insurance premiums while the employee was on family leave. Under the failure to return to work circumstances, the district may require the employee to provide medical certification as outlined above.

Witness or Jury Duty - The Board recognizes the importance of the jury system in a democracy and the obligation of all citizens to serve as jurors and witnesses under appropriate circumstances. Therefore, employees of the district shall be excused for jury and witness duty without jeopardy to their employment or compensation. Expenses for substitutes, when necessary, shall be borne by the district.

When an employee receives a per diem for the services rendered, such monies shall be turned in to the district. Mileage and/or meal allowances may be retained by the employee.

Volunteer Service Leave - Many school employees belong to volunteer groups, which serve their local communities in times of tragedy or natural disasters. The Board recognizes the importance of allowing district employees to be active in local community service and to provide leave with pay during emergencies with the following qualifications:

1. The employee must be a member of an organized local volunteer unit, which provides emergency services to the community. The unit must be volunteer, and members do not personally receive wages for the services rendered.
2. If employees personally receive wages for emergency services performed, they must be placed on leave without pay for the duration of that emergency. Wages would not include expense money or any other money paid to their volunteer unit for its services. Wages would constitute money paid directly to the individual for hours worked during the emergency assignment. Employees may use personal or vacation leave during their absence if they so desire.
3. The volunteer unit must report directly to a duly constituted authority
4. It must be a unit trained for the purpose for which it is being called.
5. Service will be restricted to the local area or community. Any exception to this must be approved by the principal.
6. The employee must receive permission, from his/her principal or the superintendent, to be absent from work.
7. National Guard or reserve military units activated for emergency service will be placed on leave without pay for the duration of their absence, or they can use vacation leave, or as otherwise provided by law.
8. In the circumstances described above, leave with pay will be authorized only for regular work hours. If service is required during other than the employee's regular work hours, no allowance will be made for personal time lost. Leave with pay will not be granted to attend organizational meetings, conferences, or training sessions. It should not be construed that routine charitable organizational work qualifies under this policy. It is intended that only emergency calls qualify.

Extended Leaves of Absence - Extended leaves of absence may be granted by the Board of Trustees to continuing contract status certified employees for a period of up to one year, subject to the availability of a suitable interim replacement. Such leave shall be unpaid leave time.

Applicants for such leave shall give, in written form, good cause for requesting an absence from duty. "Good cause" is to be interpreted as seeking an advanced degree, or enriching one's educational knowledge in a specific subject area or proof of enriching oneself to be better able to serve as a Crook County educator.

No later than February 1 of the year of leave, the employee must notify the board of intention to return to the school system. The employee is required to adhere to the "good cause" reason given when the leave was granted. Failure to give such notification or to adhere to the "good cause" reason shall constitute a break in the employment agreement between the parties and the employee shall be considered terminated, forfeiting all rights and benefits previously earned.

In cases of approved leave upon return to the system, the employee shall retain all rights and benefits previously earned. However, benefits and rights shall not accrue during the

period of absence. Approved leaves of absence shall not constitute a break in consecutive years of service.

Vacation – Professional supervisory employees may be provided vacation time depending upon the length of the employment contract. Provisions for such vacation time shall be recorded on the employment contract. It is the district’s expectation that vacation days are to be used as much as possible within the year earned. Beginning with the 2006-07 contract year, no professional supervisory employee will be allowed to accrue more than 20 days of vacation leave. At the end of their contract year, professional supervisory employees may be paid for vacation days in excess of the 20 days at their present contract rate, provided the superintendent determines the reason for non-usage of vacation days was caused by a justified need of the district. If it is determined the excess unused vacation leave was not justified, the days in excess of the 20 allowed accrual will be forfeited by the employee. Upon separation, professional supervisory staff will be paid for unused vacation time, at their present contract rate, up to the allowable 20 day maximum accrual.

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