

## **Support Staff Leaves and Absences**

**GDBD**

Support staff employees will be granted leaves for illness, personal and emergency purposes, and professional purposes and other activities in keeping with the policies that follow.

- Full-time, support staff employees who work 35-40 hours per week on a consistent basis will receive full leave as specified below.
  - Support staff employees who work at least half time on a consistent basis but less than full time will receive prorated leave.
  - Support staff working less than half time will receive no leave.
- Temporary absences for necessary and justifiable reasons will be authorized by the superintendent or the building principal. All requests for long-term leaves 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 by a board consisting of the superintendent and one representative elected from each of the following areas by all certified staff members: Hulett, Moorcroft, Sundance, Bear Lodge and two classified personnel representatives.

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 one day for each three months worked for the purpose of conducting personal or business matters. The leave is cumulative to 12 days. Personal leave must be approved by the administration prior to taking the leave. Reasons for leave need not be given. Unused personal leave will be compensated for at the rate paid to substitute employees at the time of termination of employment or excess days accumulated beyond 12 days.

**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 three (3) days of paid leave for an individual family member.
2. If due to extenuating circumstances such as travel distances or serious illness followed by the death of that family member, an additional two (2) days may be granted by the superintendent if requested prior to taking the leave. In no case is more than five (5) days to be granted for circumstances surrounding one individual family member.
3. No more than five (5) days are to be granted to any staff member during a fiscal year.

**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) 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 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.

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) or (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 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).

Certification. The district requires that a request for leave under section (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 (s)he is unable to return to work or is unable to perform the essential functions of his/her position.

The district may require that the eligible employee obtain subsequent recertification 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 by 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.

Employee & 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/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 (s)he would have been entitled had the employee not taken the leave.

Prior to restoring the employee, the district requires certification from his/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 leave 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 condition that entitles him/her leave under sections (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 premium 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 or witnesses under appropriate circumstances. Employees shall be excused for jury duty with no jeopardy to their employment or compensation. Substitutes, when necessary, shall be paid by the district.

**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 support staff who have a minimum of four (4) years of satisfactory service in the district in the position they hold. Such leave may be for a period of up to one (1)

year, subject to the availability of a suitable interim replacement. The leave shall be unpaid leave.

Applicants for extended leave shall show good cause for such absence from duty.

No later than April 1st of the year of the leave, the employee must notify the Board of intent to return or not to return to the school system. Failure to give such notification 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.

Leave under this policy may be granted to employees with less than four (4) years service only for medical reasons, to include pregnancy and early childhood leave.

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