

SECTION 300 – PERSONNEL

EMPLOYEE LEAVE

POLICY 304

ARTICLE 1 PERSONAL LEAVE

A. Each employee shall be provided Personal Leave for:

1. Illness or injury or for an illness or injury of the employee's immediate family member. Immediate family member includes spouse, child, parent, sibling, grandchild, grand parent, spouse's immediate family member, or any other individual regularly residing with the employee. The District may require a physician's statement indicating the need for the employee to be absent from work for illness or injuries if the period exceeds 10 days.
2. Emergencies or unforeseen circumstances calling for immediate action that are beyond the control of the employee.
3. Personal business including family matters, religious observance, and financial, legal, health and medical appointments that cannot be conveniently scheduled outside of regular work hours. Notice of intent to take leave for this purpose shall be submitted at least 2 workdays in advance of the leave date to the employee's Principal or Director in order to minimize disruption to the educational program and services. Days missed for these purposes with less than 2 workdays notice shall result in loss of pay unless the Principal or Director waives this requirement.
4. Circumstances related to being a victim of domestic abuse, stalking, sexual assault or any other crime where a court finds that the underlying factual basis includes an act of domestic violence. The leave may be used to (a) seek a civil restraining order to prevent domestic abuse as it is defined in state law, (b) to obtain medical care or mental health counseling or both for the employee or his or her children to address related physical or psychological injuries, (c) to make his or her home secure from the perpetrator or to seek new housing to escape from the perpetrator or, (d) to seek legal assistance to address related issues and attend and prepare for court-related proceedings. If the employee has been employed with the District for 12 months and all personal leave has been exhausted, he or she may be granted an additional three days of leave for the purposes listed in this paragraph.
5. Personal Leave is not intended to be used for recreational activities, vacations, trips or business that may readily be conducted outside of scheduled workdays. However, the Board recognizes that special occasions not listed in 1, 2, and 3 above, that are beyond the control of the employee, may justify use of personal leave. The employee's Principal or Director may grant personal leave for these occasions if such leave can be granted with minimal disruption to the educational program and services.

B. Effective July 1, 2000, Personal Leave shall be credited at the rate of 1 day for each 20 workdays as listed on the employee's employment notice or contract. Calculations shall be rounded up to the next whole number (e.g. 176 workdays = 9 leave days; 185 workdays = 10 leave days; 220 workdays = 11 leave days; 230 workdays = 12 leave days). For leave purposes, a day is defined as the number of hours the employee is regularly scheduled to work. Individuals on extended leave that exceeds 20 days shall not accrue Personal Leave days

References:

C.R.S. 24-34-402.7 Unlawful action against employees seeking protection
Family and Medical Leave Act of 1993

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during the leave period. Personal leave days shall start accruing upon the employee's return to work. Post-retirement employees are not eligible to earn or accrue Personal Leave days.

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- C. Employees shall be paid for accrued days over 60 at the end of each work year. In June of each year, days accrued in excess of 60 shall be paid as follows: current daily salary rate x .25. Upon termination of employment, accrued days shall be paid at the employee's current daily salary rate x .25.
- D. An employee who has used all of her/his accrued Personal Leave days may use emergency days as approved through the Emergency Leave Bank (see Article 2). Employees may not "borrow" or use days accrued by other employees.
- E. Upon depletion of Personal Leave days, an employee may be granted an unpaid leave by the Principal or Director for the reasons specified in this Article, paragraph A.

ARTICLE 2 EMERGENCY LEAVE BANK

- A. The Board of Education authorizes the establishment and operation of an Emergency Leave Bank for the use of teachers. The Emergency Leave Bank shall function to provide a resource to extend paid Personal Leave days for teachers who have used their accrued days and are faced with illness, injury or emergency circumstances (Article 1, A, 1 and 2). A leave bank may be established for classified employees when two-thirds of these employees vote to establish a bank and to donate a sufficient number of days to sustain such bank.
- B. Participation by employees in the Emergency Leave Bank shall be voluntary and no employee shall be compelled to contribute to the Bank.
- C. The Emergency Leave Bank shall operate under rules and provisions established by the Collaborative Problem Solving Process (CPSP) Committee. Such rules shall include the required number of days to be contributed by employees to become members and requirements for drawing days from the bank. The Committee shall be responsible for notifying the Superintendent or designee of employee personal leave contributions to the Bank and of the authorized number of days granted to each employee who uses the Bank. At the conclusion of each fiscal year, the Chair of the CPSP Committee shall be responsible for reconciling the number of days in the Bank with District personnel records.
- D. The District shall contribute 1 day each year to the Emergency Leave Bank for each new, first year teacher whose employment begins prior to October 1. Teachers employed after October 1 are not eligible for membership in the leave bank until the following year.
- E. Post-retirement employees shall not be eligible to contribute or to use the Leave Bank.

ARTICLE 3 BEREAVEMENT LEAVE

- A. Employees may receive 5 days of paid bereavement leave when there is a death of an immediate family member including spouse, child, parent, sibling, grandchild, grandparent, spouse's immediate family member, or any other individual regularly residing with the employee. This leave may be extended with Personal Leave. Personal Leave may be used for attendance at funerals of other relatives or friends. Bereavement Leave does not accrue and unused days are not paid.

References:

C.R.S. 24-34-402.7 Unlawful action against employees seeking protection
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ARTICLE 4 PROFESSIONAL LEAVE

- A. Employees may participate in professional workshops, seminars, and conferences during regular work time with the approval of their Principal or Supervisor or, if out-of-state, by the Superintendent. Professional Leave is available to support District or School Improvement efforts and/or employees' professional growth or improvement plans. Leave for this purpose may be denied if such leave creates a significant disruption to the educational program or services or costs to the District are outside of budget limitations.

ARTICLE 5 JOB-RELATED EDUCATION TRAINING LEAVE

- A. Employees completing 3 or more years with the District may be granted unpaid leave for the purpose of education or training. Applications shall be submitted by March 15 for leave during the following school year. The leave shall be limited to one school year. Such leave shall be granted only upon recommendation by the Superintendent and approval by the Board of Education. Leave for this purpose may be denied if such leave creates a significant disruption to the educational program or services. Transcripts showing enrollment in the specified educational or training program must be submitted prior to the employee's return to the District. Failure to enroll in an educational or training program after the leave is approved shall be grounds for consideration of termination of employment.
- B. The employee shall be responsible for her/his health insurance coverage during the leave period.
- C. The employee will be returned to her/his original position or equivalent position.

ARTICLE 6 LEGAL LEAVE

- A. When an employee is subpoenaed to appear as a witness in court or is called for jury duty, he/she shall be granted Legal Leave without loss of pay. Legal Leave does not include personal court actions initiated by the employee or court actions involving the employee as a defendant.

ARTICLE 7 FAMILY AND MEDICAL LEAVE

- A. This policy applies to all family and medical leaves of absence covered under the Federal Family and Medical leave Act of 1993 (FMLA). An employee who has been employed by the District for at least 12 months and has worked 1,250 hours during the previous 12 month period shall be entitled to a total of 12 work weeks of unpaid leave. A full-time teacher shall be deemed to meet the hourly requirement but must also meet the 12 month requirement to be eligible for this leave. This leave will not result in loss of any employment benefit that accrued prior to the start of the leave. An eligible employee shall be entitled to a combined total of 12 weeks leave per year for the following reasons:
 - 1. The birth and care of the employee's new born child;
 - 2. The placement of a child with the employee for adoption or foster care;

References:

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3. To care for the employee's spouse, parent or child with a serious health condition;
 4. When the employee is unable to perform the essential functions of his or her position because of the employee's own serious health condition; or
 5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member and is on active duty in support of a contingency operation or has been notified of an impending call or order to active duty.
- B. Spouses who are both employed by the District shall be entitled to a total of 12 weeks of leave (rather than 12 weeks each) per year for reasons (1), (2), (3), and/or (5) specified in the immediately preceding paragraph.
- C. Entitlement for child care leave shall end after the child reaches age one or 12 months after the adoption or foster placement. Leave to care for a child shall include leave for a stepparent or person *in loco parentis*.
- D. An eligible employee who is a spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious injury or illness sustained in the line of duty on active duty shall be entitled to a total of 26 weeks of leave during a single 12 month period to care for the service member. The single 12 month period shall begin on the first day the employee takes leave for this reason and shall end 12 months later. During the 12 month period, the eligible employee is entitled to a combined total of 26 weeks of leave under this policy. Only 12 weeks of the 26 week total may be for a FMLA qualifying reason other than to care for a covered service member. Spouses who are both employed by the district shall be entitled to a total of 26 weeks (rather than 26 weeks each) in a single 12 month period if the leave is to care for a covered service member with a serious injury or illness, or a combination of caring for a covered servicemember and reasons (1), (2), (3) and/or (5) above.
- E. Leave may be taken on an intermittent or reduced leave schedule. The District may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule provided that the position has equivalent pay and benefits. Teachers requesting intermittent or reduced leave involving greater than 20 percent of their working time during such period may, in the alternative, be required to take leave continuously for all or a specified part of the total period involved.
- F. The District shall maintain coverage under the group health insurance plan for any employee who is granted an approved leave of absence under this policy for the duration of the leave. Such coverage shall be maintained at the same level and under the same conditions as coverage would have been provided if the employee were not on leave. The District reserves the right to seek reimbursement for this benefit in the event that an employee elects not to return to work, as allowed by law.
- G. The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of the FMLA leave.

References:

C.R.S. 24-34-402.7 Unlawful action against employees seeking protection
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- H. The District may require medical documentation to verify the serious health condition of the employee or family member that is the basis for requesting FMLA leave and may require additional medical opinions and a fitness for duty report to return to work.

References:

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- I. The employee may apply for an extension of the leave. Such extension shall be granted only upon recommendation by the Superintendent and approval by the Board of Education. The employee shall be responsible for her/his health insurance coverage during the extension.
- J. An employee on Family and Medical leave shall be returned to her/his original or equivalent position with equivalent pay, benefits, and other employment terms with no loss of any employment benefit accrued prior to the start of the leave.
- K. Notices for employees with regard to this policy shall be posted in the District office and at each school. The Policy shall be posted on the District website within Policy 304, Employee Leaves.
- L. The District shall fully comply with the FMLA and shall be entitled to take all actions and exercise all options authorized under the FMLA consistent with this policy. In the event that this policy conflicts or is otherwise inconsistent with mandatory provisions of the FMLA, the mandatory provisions of the FMLA shall control.

ARTICLE 8 MILITARY LEAVE

- A. Unpaid leave for involuntary military service shall be granted. Upon completion of military duty, the employee shall be returned to her/his original or equivalent position.

ARTICLE 9 ABSENCES FROM WORK

- A. Absences from scheduled work days not covered by Articles 1 through 8 of this policy shall be unpaid and, upon recommendation of the Superintendent, grounds for dismissal from employment.

ARTICLE 10 DISPUTES

- A. Disputes related to leave issues shall be resolved by the Superintendent. Parties disagreeing with the decision of the Superintendent may file a written appeal to the Board of Education. The appeal must include a statement indicating which policy supports the employee's view point and/or which policy the employee views as misinterpreted. The Board's decision is final.

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References:

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ARTICLE 11 ADMINISTRATIVE LEAVE

- A. The Superintendent or his/her designee shall have the authority to place an employee on or authorize an employee to take paid administrative leave when deemed by the Superintendent or his/her designee to be in the best interests of the District. Generally, administrative leave will be of a short-term or temporary duration but may be extended by the Superintendent or designee not to exceed the end of the then-current contract year. Administrative leave means that the employee may not be on school district property or be present at school activities or engage in official business of the School District. Administrative leave also means that the employee will not contact parents, students or other employees in the capacity of School District employee. Failure of an employee to comply with these provisions shall be grounds for termination of employment.
- B. The Superintendent shall report to the Board of Education the reasons for placing an employee on administrative leave no later than the next regularly scheduled Board meeting following the action.
- C. Placement of an employee on administrative leave shall in no way limit the Board in its authority to terminate an employee's employment with the District following due process and adherence to regulations and statutes governing employee dismissal.

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