

PROFESSIONAL STAFF SHORT-TERM LEAVES

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. However, the Board recognizes that there are circumstances that require an employee to miss work, and the purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate.

The district may require an employee to provide the district verification of illness from a healthcare provider or supply other documentation verifying the absence before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

The following leaves with pay will be provided to full-time professional staff employees. Regular part-time professional staff employees will receive these leaves on a pro rata basis. This policy does not apply to temporary or substitute staff members unless otherwise noted.

1. **Sick Leave** – Professional staff employees will earn one day of sick leave for each month worked during a regular school term year plus one day. Sick leave is not earned while an employee is using paid or unpaid leave. Sick leave days may be accessed prior to earning them; however, an adjustment will be made in the employee's salary for leave days advanced but not later earned that school year. Unused sick leave will be cumulative to 80 sick leave days. An absence of over one through four hours shall be counted as a half-day of sick leave.

Absences may be charged against sick leave for the following reasons:

- a. Illness, injury or incapacity of the employee. The Board reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury, incapacity or funeral of a member of the immediate family. The Board defines "immediate family" to include:
 - ▶ The employee's spouse.
 - ▶ The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren and siblings.

- ▶ Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)

- c. Illness, injury or incapacity of other relatives, with permission granted by the superintendent.
- d. Pregnancy, childbirth and adoption leave in accordance with this policy.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

A district employee may not use sick leave during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Any certificated employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

Payment for Unused Sick Leave

Full-time employees (those that pay into retirement system) shall be paid for unused sick leave for any days beyond 80 at the rate of half the per day rate paid to substitute teachers. Payment will be made in the June or July pay period or the pay period following resignation of the employee.

Full-time employees leaving or retiring from the district will be paid for their accumulated sick leave at the same rate as other full-time employees.

2. **Personal Leave** – A maximum of three days of personal leave will be available per school year. Personal leave will be subtracted from sick leave. Unused personal leave days do not accumulate but will roll over as sick leave days for the ensuing year. Use of personal leave days are unrestricted with the exception of the last week of school and the first two weeks of school (including fall workshop).

The following conditions apply:

- ▶ The teacher must present in writing to the principal in advance the intention to use his or her personal day. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical.
- ▶ Emergencies will be considered.
- ▶ Approval is subject to availability of substitutes.
- ▶ A limited number of teachers will be allowed to use their personal day on the same day.
- ▶ If a situation arises where more than three personal days are needed, the additional days will be without pay.
- ▶ Absences may be charged against personal leave for court appearances, unless applicable law or policy provides for paid leave.

A district employee may not use personal leave days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

3. **Vacation** – All professional staff employed on a 12-month basis are entitled to vacation days as follows:

<i>Employed</i>	<i>Vacation Earned</i>
Six months within one fiscal year	One week
One fiscal year	Two weeks
Five continuous fiscal years	Three weeks
20 continuous fiscal years	Four weeks

An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

Twelve-month employees leaving the district and who have unused vacation will be paid their per diem rate for each unused vacation day accrued.

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A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Unless otherwise provided, the following leaves will be provided to full-time and part-time professional employees.

1. **Holidays** – All professional staff employed on a 12-month basis are entitled to the following paid holidays: New Year's Day, Good Friday, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.
2. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave request form (obtained from the principal) must be approved by the superintendent or designee (director from Cabinet Level) and principal, submitted well in advance and is not considered personal leave.
3. **Jury Duty** – A school employee who serves on a county, state or federal jury will be paid his or her regular salary and the court reimbursement will be deposited with the district. Any mileage, meals or lodging reimbursements will not be deposited with the district but will remain with the employee. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
4. **Military Leave** – The Board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
5. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
6. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit the employees

three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.

7. **Leave for Court Subpoena** – If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave** – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.
9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.
10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of

auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall apply accrued paid leave to such absences.

Employees who are ineligible for FMLA leave may take up to 12 weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued sick leave, personal leave, vacation or unpaid leave.

Pregnant employees who need more than 12 weeks of paid or unpaid leave for a pregnancy-related incapacity must provide certification of the medical necessity for such leave.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/08/1998

Revised: 02/10/2005; 03/13/2008; 02/12/2009; 10/08/2009; 03/06/2012; 02/13/2013;
04/16/2015

Cross Refs: DLB, Salary Deductions

HA, Negotiations with Employee Representatives
HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: §§ 41.1000, .1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 320.200, .330 -
.339, 494.460, 595.209, RSMo.
Fair Labor Standards Act, 29 U.S.C. §§ 201 - 218(c)
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619
Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. § 2000e-1 - 2000e-17
29 C.F.R. § 1604.10

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