

## **FAYETTEVILLE (AR) PUBLIC SCHOOLS LEAVE POLICY**

The Fayetteville Board of Education recognizes the need for employees to be protected from loss of salary during temporary absences from work caused by personal illness or disability, illness, or bereavement in the immediate family, and other reasons of an emergency or personal nature.

The Board of Education also agrees to protect the security of the teacher who requests leave of absence for an extended period by guaranteeing the individual to return to a teaching position, provided conditions outlined in the procedures governing this policy are met.

School Board Policy  
Revised: 5-10-78

### **TEACHER LEAVE PROCEDURES**

#### **I. Sick Leave**

Sick leave shall be defined as leave granted because of physical, mental, or emotional illness of the employee, or illness or death in the immediate family. Immediate family shall include the teacher's spouse, children, parents, grandparents, grandchildren, siblings and any other relatives living in the same household.

- A. Teachers shall be granted a total of one day per contracted month of sick leave per year for which there shall be no deduction from the teacher's salary.
- B. A teacher who does not use all days allotted for sick leave in any school year shall accumulate all unused leave to a limit of 90 days. After 90 days are accrued, unused sick leave shall accrue at 3 days per year thereafter.
- C. Sick leave may be used for any medical disability connected with or resulting from pregnancy. A teacher who is pregnant may continue in active employment as late into her pregnancy as she desires provided such employment does not impair her health as determined by a qualified medical doctor of her choice. All or any portion of a leave taken by a teacher because of medical disability connected with or resulting from pregnancy shall, at the teacher's option, be charged to available sick leave. (The teacher shall notify the principal as soon as possible of the time the teacher needs to be relieved of duty and also the time the teacher expects to return to duty.)

- D. Any teacher whose need for sick leave extends beyond accumulated sick leave shall be eligible for extended leave under provisions of Section VI.
- E. Any teacher who is absent from his or her duties as a result of personal injury caused by either an assault or other violent criminal act committed against the school employee in the course of her or her employment, shall be granted a leave of absence from school with full pay for up to one year from the date of the injury and such leave shall not be charged against the teacher's accumulated sick leave.
- F. Upon retirement, certified employees who qualify for benefits of the state teacher retirement system will be reimbursed for unused sick leave in excess of 45 days at the then current beginning daily rate for substitute teachers.

## **II. Sick Leave Bank**

### **A. Participation**

Participation in the Sick Leave Bank (SLB) is available to all certified employees who are eligible for sick leave, and is on a voluntary basis.

An employee becomes a member of the SLB by contributing one (1) sick day to the bank. New staff members and others not contributing previously will be given an opportunity to join each September.

Such declaration and contribution shall be made on a Sick Leave Bank Election Form distributed and collected by the District's Human Resources Office. The SLB Form is due in the Human Resources Office no later than September 15.

After a SLB member withdraws days from the bank, they must contribute one (1) day of their sick leave allowance at the beginning of the next school year to reestablish membership in the sick leave bank.

If, during the course of a school year, the Sick Leave Bank balance of contributed days is reduced to fifty (50), the District's Human Resources Office will notify teachers of this occurrence and will request the immediate completion of another Sick Leave Bank form. A teacher's failure to contribute another one day of accumulated sick leave will terminate that teacher's participation in the Sick Leave Bank until the next opportunity to contribute arises.

## B. Governance

A seven-member committee shall oversee the administration of the Sick Leave Bank. The committee shall be comprised of the Superintendent (or designee), the FEA President (or designee), three teachers elected by a majority of certified staff in an election directed and certified by the PPC, and two non-certified employees elected in an election directed and certified by the classified PPC. The committee shall decide on requests based on the committee's rules of operation. Requests for leave from the Sick Leave Bank should be routed to the Human Resources Office.

## C. Rules of Operation

1. Only those teachers who have made contributions to the Bank may make requests for grants from the bank.
2. Sick Leave Bank days will be granted only in cases of serious physical, mental, or emotional illness of the employee or serious illness or death in the immediate family, and with the written approval of the sick leave bank committee. Immediate family shall include the teacher's spouse, children, parents, grandparents, siblings, grandchildren and any other relatives living in the same household.

The Sick Leave Bank days may be used only upon exhaustion of a member's accumulated sick leave, personal leave, non-contract leave (if applicable), and vacation (if applicable). Days used from the Sick Leave Bank are grants and do not require repayments. However, they must contribute one (1) day of their sick leave allowance at the beginning of the next school year to reestablish membership in the sick leave bank.

3. Therefore, the committee expects teachers to use discretion in making requests for days from the Sick Leave Bank. Before approving a request for Sick Leave Bank days, the Sick Leave Bank Committee will review sick leave records and require appropriate documentation. (Including doctor's note verifying disability and/or expected duration.)
4. Request for Sick Leave Bank days will be made on a Sick Leave Bank request form submitted to the chairperson of the Sick Leave Bank Committee. Request forms may be obtained from the Human Resources Office.

5. Sick Leave Bank days will not be granted if an applicant is eligible for or is receiving income from an income protection insurance policy or similar coverage (For example Short-Term Disability, Arkansas Teacher Retirement Disability, etc.....).
6. Sick leave grants made from the bank shall be for no more than fifteen days for an individual applicant per year. Teachers in need of more than fifteen days may apply for an additional fifteen days, which if approved, will result in the deduction from the teacher's salary an amount equal to the standard daily cost of a substitute teacher for each additional day taken. Any unused sick leave bank days granted may not carry forward to any subsequent year and shall be returned to the Sick Leave Bank.
7. Unused days contributed to the Sick Leave Bank will accumulate and carry forward (in total--not by individual).
8. When applicable, days granted from the Sick Leave Bank will run concurrent with FMLA.

### **III. Personal Leave**

- A. A teacher may apply for personal leave when the reason for the requested leave does not fall within any of the other leave categories. If possible, application should be requested five working days in advance of the leave and will be approved by the principal, provided that a registered substitute can be obtained. For the first two days of personal leave approved during an academic year, there will be no deduction of salary. Once these two days have been utilized, the employee may request up to four days of personal leave for which a substitute's pay will be deducted. The Business Office will deduct from the teacher's salary an amount equal to the standard daily cost of a substitute teacher for these four days of personal leave. It is strongly recommended that personal leave not be requested during the first and last weeks of school or in conjunction with school holidays.
- B. If an employee does not use all of his/her personal days for which the district pays the substitute teacher, those days may carry over to the following school year. The employee may not accrue more than four days
- C. The amount of personal leave for which the employee must pay the substitute teacher cannot be accrued.

- D. Up to ten days of military leave may be granted per school year, for which an amount equal to the lesser of the teacher's military pay or daily teaching pay will be deducted from the teacher's salary provided the teacher submits evidence that the assignment is mandatory and the teacher has no option to the assignment other than on contracted school time.
- E. If approved, additional leave days may be taken without pay. Each additional day taken will result in the deduction of a full day's pay from the next salary check.

#### **IV. Professional Leave**

##### **A. Categories of Professional Leave**

There will be three categories of Professional Leave:

1. Professional Development Leave
  2. Professional Business Leave
  3. Civic Leave
- B. Professional Development Leave related to an individual school's ACSIP Plan will be granted when a teacher justifies, in writing, the direct subject matter or improvement needs to be met. Additionally, Professional Development Leave should only be granted when the District did not provide the development needed in the normal Professional Development offerings during the year.
  - C. Professional Business leave may be granted on approval of the Principal and the superintendent (or his designee) following the guidelines in Section VI--E for participation in any of the following activities:
    1. Education/Work-related meetings and conferences
    2. School visitations
    3. Field trips and other activities where students are being chaperoned/supervised
    4. Participation in Professional Organizations
  - D. Civic Leave may be granted for the following the guidelines in Section VI--E of Professional Leave. Civic Leave falls under the following activities.

1. Jury Duty
2. Other civic responsibilities and activities
3. Political activity affecting education

E. Approval/Disapproval of Professional Leave

In all categories above, the superintendent (or his designee) will have three options related to disposition of the leave request:

1. Disapprove the request.
2. Approve the request, and agree that the school will accept responsibility for some or all of the expenses related to the leave, including the cost of a substitute teacher.
3. Approve the request, and charge the teacher with accepting the responsibility for any expenses related to the leave, including the cost of the substitute teacher. (If this option is exercised by the superintendent, the affected teacher will have the cost of a substitute teacher deducted from the next salary check, unless the FEA or some other recognized agency has agreed to reimburse the District for the cost of a substitute.

In deciding which option to exercise, the superintendent (or designee) will consider the benefit likely to accrue to the Fayetteville Schools; the availability of budgeted funds; whether the request for leave was initiated by the teacher, the school, or some other agency; recommendations of the FEA or its Executive Board; etc. Travel procedures outlined in Policy No. 4133 will be followed at all times.

- F. Any teacher wishing to attend the instructional staff development sessions of the annual AEA Convention will not be denied that leave and will be able to count the specific session as staff development credit if the proper SDI forms have been completed.

These days will not be counted against a building's professional leave budget.

## V. Extended Leave

Extended leave is a leave of absence without pay and benefits, but with the privilege of returning to the same or as nearly comparable assignment as possible and may be granted upon approval by the Board of Education under the following conditions:

- A. An extended leave may be granted for not less than one semester nor more than two semesters unless otherwise specified in this policy or the Communicable Disease Policy No. 4170. Extended leave less than one semester but a minimum of nine weeks may be approved if recommended by the Superintendent.
- B. The teacher on extended leave must notify the superintendent by April 1 of his intention to resume his work at the beginning of the next scholastic year or December 1, if he is to resume his work the second semester.
- C. Failure to notify the superintendent of intention to resume work as indicated, or failure to report for duty at the expiration of an extended leave shall be considered a resignation.
- D. Application for extended leave, except in emergencies such as ill health, must be filed with the principal and the superintendent in writing at least one month before leave shall take effect. Written response to each application is required.

In determining whether to approve or deny an application, the administrators and the Board of Education will consider the teacher's request, the potential effect on the students involved, the teacher's length of service in the District, and other appropriate factors.

- E. All benefits to which a teacher was entitled at the time his extended leave commenced will be restored to him upon his return. Unless otherwise specified, a returning teacher will be placed on the salary schedule at the level achieved prior to his leave.
- F. All teachers are eligible to apply for extended leave in the following categories:
  - 1. Physical, mental, or emotional illness of the employee which extends beyond accumulated sick leave.

2. Military induction or enlistment for active military service in time of war or other national emergency in accordance with the provisions of the Act of Congress requiring universal military service for meeting such emergency. Leave will be granted to any teacher who is a member of a Guard or Reserve Unit ordered to active duty by a proper authority in accordance with current law.
3. Illness or injury of a member of the teacher's immediate family or any other family catastrophe requiring the teacher to be absent from work.
4. Advanced study in the teacher's major field.
5. Educational travel, if it can be shown that such activity will contribute to the effectiveness of the teacher.
6. Child bearing. A teacher may apply for such leave to be effective beginning at any time between the commencement of pregnancy and the semester following the birth of the child. (Note--Sick leave may be used for child bearing, but should not exceed eight weeks unless a medical complication exists.)
7. Child rearing. A teacher may apply for such leave to be effective at any time during which the teacher has a child living at home. (A teacher adopting a child may apply for such leave to be effective prior to receiving custody, if necessary to fulfill the requirements for adoption.)
8. Becoming a candidate for, or serving in, a public office, unless there is a specific legal prohibition.
9. Enlistment in the Peace Corps or other such federal program. Such enlistment shall not exceed three years. If verifiable teaching experience is gained, the teacher will be awarded appropriate experience on the salary schedule, even if the allowable out-of-district credit limitation has been reached.
10. Absence from the area due to the temporary transfer or sabbatical assignment of a spouse.
11. Consideration of teaching as a continued career. Such leave will be approved for one full year and will generally not be approved unless the teacher has a minimum of ten years' experience in the District.

## **VI. Sabbatical Leave**

A sabbatical is a leave of absence without pay which is taken by a faculty member who has been continuously employed by the District for 10 or more years and which is taken for educational purposes. A faculty member on sabbatical has the privilege of returning to the same building and the same general teaching assignment and to be considered equally with the rest of the staff for specific assignments. The Board of Education may grant approval of sabbatical leave using the applicable conditions and timelines of the extended leave section.

## **VII. Limitations and Conditions**

If an administrator has reason to believe that the requirements for any type of leave as described in Sections I-V of this policy have not been correctly applied, verification may be required of the employee. The administrator will notify the employee in writing of why verification is required.

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