

## SCHOOL EMPLOYEES 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, sickness in the immediate family, and other reasons of an emergency or personal nature.

### DEFINITIONS

School employee shall include any employee of this school district who works not less than 20 hours per week, and who is not compelled by law to secure a teaching license from the State Board of Education as a condition precedent to employment.

### PROCEDURES

- I. Sick Leave
  - A. Sick leave shall mean absence with full pay from one's duties for the reason of personal illness or illness/death in the immediate family.
  - B. Immediate family shall include the employee's spouse, children, parents, grandparents, grandchildren, siblings, and any other relatives in the same household.
  - C. Accumulated sick leave shall mean the total number of days of unused sick leave that a school employee has to his/her credit.
  - D. Each eligible employee shall have an accumulation rate of one (1) day per month or major portion thereof that the employee is employed at full pay. Such accumulation shall begin with the first month or major portion thereof beginning with the first day of the first school term for which the individual is employed. Provided, if an employee resigns or leaves his employment position for any reason before the end of the school term, the school district may deduct from his last pay check full compensation for any days of sick leave used in excess of the number of days earned. An employee shall be entitled to such leave only for reasons of personal illness or illness of his immediate family.
  - E. A record of sick leave used and accumulated shall be established and maintained by the business office. Sick leave that is unused by an employee during any school year shall be accumulated in the employee's sick leave account at the rate of one (1) day per month, or major portion

thereof until ninety (90) days have been accumulated. An employee who qualifies for sick leave under section D may use any amount up to his total number of accumulated days. Accumulated days of sick leave that are used up may be restored up to ninety (90) days in the same manner that they were first accumulated.

1. After 90 days are accrued, unused sick leave shall accrue at 3 days per year thereafter.

F. Upon retirement, non-certified employees who qualify for benefits in the retirement system will be reimbursed for unused sick leave in excess of forty-five (45) days at the then current daily rate for substitute teachers.

G. Sick leave may be used for any medical disability connected with or resulting from pregnancy. An eligible employee who is pregnant may continue in active employment as late into their pregnancy as desired provided such employment does not impair their health as determined by a qualified medical doctor of their choice. All or any portion of a leave taken by employee because of medical disability connected with or resulting from pregnancy shall, at the employee's option, be charged to available sick leave. (The employee shall notify their supervisor as soon as possible of the time the employee needs to be relieved of duty and also the time the employee expects to return to duty.)

## II. Sick Leave Bank for Classified Personnel:

Participation in the Sick Leave Bank (SLB) is available to all classified 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.

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 or within 15 days of beginning employment.

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 Classified Sick Leave Bank balance of contributed days is reduced to fifty (50), the District's Human Resources Office will notify classified staff of this occurrence and will request the immediate

completion of another Sick Leave Bank form. An employee's failure to contribute another one day of accumulated sick leave will terminate that employee's participation in the Sick Leave Bank until the next opportunity to contribute arises.

A. Governance

1. The Classified Sick Leave Bank shall be kept separate in the number of days recorded and accounted for, but shall be governed by the Sick Leave Bank Committee
2. The Sick Leave 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 classified 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.

B. Rules of Operation

1. Only those employees who have made contributions may make requests for days 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 employee's spouse, children, parents, and any other relatives living in the same household.
3. The Sick Leave Bank days may be used only upon exhaustion of a member's accumulated sick leave, personal leave, non-contract days (if applicable), and vacation (if applicable). Days used from the Sick Leave Bank are grants and do not require repayment. However, the employee 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.
4. Therefore, the committee expects employees to use discretion in making requests for days from the Sick Leave Bank. Before approving a request for days, the Sick Leave Bank Committee will review sick leave record and require appropriate documentation. (Including a doctor's note verifying disability and/or expected duration.)
5. Requests for Sick Leave Bank days should be made on a Sick Leave Bank request form and submitted to the Chairperson of the

committee through the Human Resource Office. Forms may be obtained by contacting the Human Resource Office.

6. Sick Leave Bank days will not be granted if an applicant is eligible for or receiving income from an income protection insurance policy or similar coverage (For example Short-Term Disability, Arkansas Teacher Retirement Disability, etc...).
7. Sick Leave Grants made from the bank shall be for no more than fifteen (15) days for an individual applicant per year. Employees in need of more than fifteen days may apply for an additional fifteen days, which if approved, will result in the deduction from the employee's salary an amount equal to twenty-two percent (22%) of the employees current daily pay rate (not to exceed \$60 per day) for each additional day taken.
8. Unused days contributed to the Sick Leave Bank will accumulate and carry forward (in total – not by the individual).
9. When applicable, days granted from the Sick Leave Bank will run concurrent with FMLA.

### III. Personal Leave

- A. A classified employee 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 Supervisor, provided that a registered substitute can be obtained (if applicable). 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 employee's salary an amount equal to twenty two percent (22%) of the employees daily salary (not to exceed \$60) 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 employee's military pay or daily pay will be deducted from the employee's salary provided the employee submits evidence that the assignment is mandatory and the employee 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 two categories of Professional Leave:

1. Professional Development/Business Leave
2. Civic Leave

B. Professional Development/Business Leave may be granted on approval of the supervisor and the superintendent (or his designee). Request for Professional Development/Business Leave must be made and approved in advance. Approval may be granted for the following reasons

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
5. Approved Professional Development

C. Civic Leave may be granted for the following:

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

#### 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 six months nor more than one year unless otherwise specified in this policy or the Communicable Disease Policy No. 4170. Extended leave less than six months but a minimum of three months may be approved if recommended by the Superintendent. Six month leaves must begin at the beginning of a school term (either July 1 or January 1).

B. The employee on extended leave must notify the superintendent not less than thirty days prior to the end of his approved leave term of his intention to resume work.

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 employee's supervisor 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 employee's request, the potential effect on the students involved, and the employee's length of service in the district.

E. All benefits to which an employee was entitled at the time his extended leave commenced will be restored to him upon his return. Unless otherwise specified, a returning employee will be placed on the salary schedule at the level achieved prior to his leave.

F. All employees' 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 classified employee 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 employee's immediate family or any other family catastrophe requiring the employee to be absent from work.

4. Advanced study in the employee's major field.

5. Child bearing. An employee 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 six weeks unless a medical complication exists.)

6. Child rearing. An employee may apply for such leave to be effective at any time during which the employee has a child living at home. (An employee adopting a child may apply for such leave to be effective prior to receiving custody, if necessary to fulfill the requirements for adoption.)

7. Becoming a candidate for, or serving in, a public office, unless there is a specific legal prohibition.

8. Enlistment in the Peace Corps or other such federal program. Such enlistment shall not exceed three years. If verifiable and relevant experience is gained, the employee will be awarded appropriate experience on the salary schedule, even if the allowable out-of-district credit limitation has been reached.

9. Absence from the area due to temporary transfer or sabbatical assignment of a spouse.

10. Consideration of career change. Such leave will be approved for one full year and will generally not be approved unless the employee has a minimum of ten years' experience in the district.

#### VI. 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.

Approved:	5-22-79		
Revised:	6-22-84		
Revised:	7-22-00		
Revised:	7-1-05		
Revised:	6-28-07		
Revised:	6-25-09		
Revised:	6-24-10	Effective:	7-1-10