

COMPENSATION AND BENEFITS
LEAVES OF ABSENCE

DEC
(REGULATION)

DEFINITIONS

1. Use of paid leave both state and local will be applied according to the same criteria, see Policy DEC. Paid leave will be used in whole and half days only.
2. Paid leave for part-time employees is based on the employee's day. If an employee works an average of 4 hours per day, that employee's whole day of paid leave is 4 hours, and half day of paid leave is 2 hours. Employees on worker's compensation will have paid leave days pro-rated.
3. No paid leave is granted for substitutes or temporary employees in any category.
4. Paid leave used in excess of the number of days earned will be docked at the employee's daily rate.

APPLICATION

Personnel employed on a part time basis shall earn one-half day of state personal leave, on the basis of length of their workday, for each 18 days of employment. Not more than five state days (length of workday) shall be earned in any one school year.

State and local personnel leave shall be earned in accordance with the schedule that follows:

Days employed and paid at 100% of the day	State Days earned	Local Days earned	Total Days earned
0-17	0.0	0.0	0.0
18-35	0.5	0.5	1.0
36-53	1.0	1.0	2.0
54-71	1.5	1.5	3.0
72-89	2.0	2.0	4.0
90-107	2.5	2.5	5.0
108-125	3.0	3.0	6.0
126-143	3.5	3.5	7.0
144-161	4.0	4.0	8.0
162-179	4.5	4.5	9.0
180-201	5.0	5.0	10.0
202-215	5.0	6.0	11.0
216+	5.0	7.0	12.0

All employees shall earn local leave at the same rate as state leave. The five days of state personal leave shall be supplemented with the number of local personal leave days to provide one day of personal leave for each 18 days employed and paid. Local personal leave is cumulative without limit but is not transferable to other districts.

Questions concerning the accuracy of paid leave days granted must be addressed no later than June 30 of each school year.

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REQUEST FOR USE OF
PERSONAL
DISCRETIONARY LEAVE

A Request Form for Discretionary Leave shall be submitted to the principal or department supervisor 3 days in advance of the anticipated absence.

Use of discretionary personal leave shall be considered granted unless the principal or department supervisor notifies the employee to the contrary within 24 hours of the requested absence. Discretionary personal leave may not be taken for more than 10 consecutive days.

If there is evidence of abuse of leave policies, use of personal leave days may be investigated and/or denied by the Superintendent or designee.

Discretionary leave shall not be allowed on the following days:

1. The day before or after a school holiday or intersession
2. Test Administration days
3. Professional or Staff Development days
4. First or last days of school
5. Parent Conference days

REPORTING EMPLOYEE
ABSENCES

(As applicable to the campus or department with the authorization of the supervisor)

1. The employee is responsible for reporting his/her absence for any reason to the District's Absence Management System including long-term leaves of absence.
2. If the absence can be anticipated, the employee should report it to the District's absence management system as soon as possible. Absences may be reported to the District's absence management system forty-five (45) calendar days in advance.
3. The deadline for reporting an absence on the same day of the absence is sixty (60) minutes before the school day starts at all campuses. The deadline for reporting an absence on the day of absence for employees working in departments is 8:30 a.m.
4. Employees may be required to call the immediate supervisor on the day of the absence in addition to reporting the absence to the District's absence management system.

5. The employee is required to report absences to the District's absence management system as a result of the employee being placed on Workers' Compensation Leave for Temporary Disability and/or Family Medical Leave Act (FMLA), Extended Leave, and/or Unpaid Leave of Absence.
6. If an employee fails to report an absence in a timely fashion, the absence may be entered into the District's absence management system by the campus secretary or department secretary no later than five (5) work days after the actual absence. Continued failure to report absences in a timely manner may reflect on an employee's job performance evaluation or may result in a Notice of Warning and possible termination.
7. Employees working additional days over a standard contract (anyone working 188 days or more) and/or who do not follow a standard calendar, must call all days not on duty as non-duty days. These days must be reported to the District's absence management system.
8. Each employee is responsible for tracking his/her non-duty days as to number of allowable days per year and number of days used/available.
9. Employees may request to use accrued personal leave and/or compensatory time for the death of an immediate family member. A maximum of five (5) days is allowed per occurrence.
10. Any absence due to school business must be reported to the District's absence management system. The reason "School Business" is to be used only for a District related inservice, workshop, or training; or if the employee is required by the supervisor to attend an inservice, workshop, or training off campus.
11. Any absence due to jury duty must be reported to the District's absence management system. Employees shall submit a copy of the jury summons to their immediate supervisor. Employees are required to return to work if jury duty is canceled or ends four (4) hours prior to the end of the workday.
12. Any absence due to the court subpoena must be reported to the District's absence management system. Employees are allowed to use this reason

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and not be deducted a personal day if it is for a District related court subpoena or if the employee is a witness for a non-personal court case.

*PROCEDURES FOR
REPORTING LEAVES
OF ABSENCE*

1. **Notification of Leave:** Employees who will be absent from duty for more than five (5) consecutive days shall present a Healthcare Provider Certification from the physician and, if they meet the requirements, will be placed on Family Medical Leave, Temporary Disability Leave, Extended Leave, and/or Unpaid Leave of Absence. The certification must be submitted with a completed Request for Leave Form to the Department of Human Resources for approval. Failure to comply with this notice and procedural requirements may result in the delay or the denial of leave.
2. **Foreseeable Leave:** If the leave will be extended (more than 5 days consecutively) AND is foreseeable, the employee must submit notice to the Department of Human Resources 30 days prior to taking the leave. The Request for Leave must be accompanied by a Healthcare Provider Certification stating the reason for the inability to work and the expected length of time the employee will be out on leave. These same requirements apply should the need be for the care of an immediate family member or covered service member.
3. **Unforeseeable Leave:** If the leave is extended AND is unforeseeable, the employee must provide notice and submit leave forms as soon as practical, or no later than the 15th day after the 1st day of leave.
4. The District will pay its portion of the health insurance contribution for twelve (12) work weeks for employees on an approved Family Medical Leave (FML). Employees receive no salary for days absent on an approved FML unless applicable paid leave is available. FML is applied in twelve (12) month cycles using the first day of leave as the entitlement day for each employee. Approved FML will count against the employee's annual FML entitlement.
5. If the employee is on an approved FML and is not earning salary, the employee must pay, in advance, his/her portion of any medical and voluntary premiums due. If the employee's FML has expired and he/she is not earning a salary, the employee must also pay, in advance, the full cost of the District's portion of the medical contribution.

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6. The employee will continue to be paid for all earned and credited paid leave. Pay from the District will end after earned and credited leave days have been paid, if appropriate. Upon the employee's return to duty, his/her salary will be adjusted according to the number of days the employee can earn providing the employee does not have the sufficient earned paid leave to cover the absence. Overpayments will be reimbursed to the District to cover the absence at the employee's daily rate.
7. If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave.

RETURN TO WORK
AFTER LEAVE

1. **Release to Full Duty.** Any employee who has been out on leave due to illness or disability must submit a release from the treating physician and present that release to the Department of Human Resources personally prior to returning to the employees' assigned campus or duty station. If the release is satisfactory, the Department of Human Resources will issue a "Return to Duty Permit". The employee will not be allowed to return to work without the issuance of a Return to Duty Permit. If an employee is out on leave due to the need to care for an immediate family member, the employee must present a doctor's certification that the employee no longer needs to care for that family member and is authorized to return to work.
2. **Failure to obtain a Return to Duty Permit.** Any days or portions of days that the employee returns to work without obtaining a Return to Duty Permit from the Department of Human Resources may result in disciplinary action.
3. **Evaluation of Ability to Perform Duties.** An employee returning to work on full duty or modified duty after a leave of absence due to illness, injury or disability of the employee will be required to fulfill all jobs responsibilities in order to be allowed to return to work. Each employee will be evaluated individually by the Leave Review Committee. The Leave Review Committee will evaluate the job description, the scope of job responsibility and consult the appropriate administrator(s) to determine if the employee is able to fulfill the job responsibilities. The employee will not be allowed to return to work unless the Leave Review Committee determines that the employee is able to fulfill the job responsibilities. If, after returning to work, the employee has difficulty fulfilling the job responsibilities because of a health condition, the employee must be directed to the Director of Human

Resources/Risk Management for further evaluation.

4. **Return to Work with any Type of Walking Assistance or Cast.**
Any employee returning to work either full duty or modified duty with any type of walking assistance or cast will be evaluated individually by the Department of Human Resources. The Director of Human Resources/ Risk Management will evaluate the scope of job responsibility, the potential for additional injury at the job site, and limitations regarding the job performance as a result of the walking device or cast.

The Director will determine whether the employee is authorized to return to work. If any employee who has been absent or on leave commences to or appears at work using any type of walking assistance or cast, the employee must be directed by the supervisor to the Department of Human Resources for evaluation.

RETURN TO PAYROLL
SCHEDULE

Any employee returning to work after a leave of absence will be paid in accordance with the payroll schedule established by the Payroll Department. The Payroll Schedule establishes the starting and end dates of each pay period. In order for the employee to receive a paycheck after returning from leave (if no personal days are available), the employee must return by the end date for a payroll period. (For example, to receive a paycheck on May 31, the employee must return to work before May 15). Payroll schedules are updated each school year and are posted at each campus and at each department.

FREQUENT OR
PROLONGED ABSENCES

Socorro ISD monitors excessive employee absences very carefully. Absences in excess of ten days (excluding non-duty and staff development) during a semester in any given school year without, proper medical certification or justification may be considered excessive and may be subject to review and/or disciplinary action including termination of employment. The District may require verification documents when absences seem questionable.

Preference for an employee's priority status for extra duty, intersession work, additional trips, etc., will be given to employees who do not have excessive absences at any time during the school year. Each supervisor is responsible for documenting priority status for each employee.

TARDINESS

Employees are expected to arrive at work at the time designated.

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PERFECT ATTENDANCE
PROGRAM

The following provision shall apply to local leave earned by the employee at the time of employment.

An employee that has perfect attendance during the entire school year with the District may be paid one-half of three unused local days at their own daily or hourly rate if:

1. The employee submits the required form to request payment preceding the end of each school year to the Department of Human Resources (see DEC XHIBIT B).
2. Part-time employees who are eligible to receive personal days will receive half of the amount in their respective category.

The program applies to all District employees except:

1. Late hires and employees who separate before the end of their work calendar shall be ineligible
2. Temporary and or contracted services/staff.
3. Resignation in lieu of termination, proposed non-renewal, and Settlement agreement to resign.

Please note that payment of days is subject to federal taxes. Taxes will be collected from the employees via their normal pay distributions.

DEFINITIONS

School year will be defined as the first to the last day of an employee's work calendar, i.e. 187 days for teacher, 239 days for custodian/maintenance, etc.

An absence is defined as being away from work for more than 2 hours.

Absence exclusions include: Staff development, Jury Duty, Non-Duty, Compensatory Time, and Leave of Absence, Workers' Compensation, Donated Local Leave for Catastrophic Illness, Catastrophic Sick Leave Bank Days, and or School Business.

SPECIAL "LIFE
THREATENING ILLNESS"
PLAN

The purpose of the Special "Life Threatening Illness" Plan is to allow employees to contribute accumulated local personal days to a special fund designated for a specific staff member.

1. Funding: The employee must submit a "Request for

Donation of Personal Days” form to the Department of Human Resources. The total number of local personal days donated will be added to the employee’s local personal leave bank. The employee must use any earned personal leave or old state sick leave before using the donated days. Any unused donated days will still be available for the employee’s future use. Days donated shall not exceed 30 days at any given time. Contributions shall be on a voluntary basis only and shall be made by signing the “Master List of Donors.” Contributions shall be made from accumulated local personal leave only. This special plan is only available to employees once per school year. Participants lose the right to use the donated days upon termination of employment with the District, during a period of suspension without pay, or due to abuse or misuse of the rules governing the plan. The employee may be required to reimburse the District for incurred costs.

2. Administration: The designated specific staff member must be undergoing treatment for a life-threatening illness or whose spouse, parent or child is undergoing treatment for a life-threatening illness.

Each eligible employee shall have his or her Request for Donation of Personal Days considered in accordance with the following provisions:

- The employee must be on an approved medical leave of absence.
- The employee shall have completed at least one year of employment with the District and be eligible for benefits.
- The employee shall have exhausted his or her paid leave benefits.
- The employee must reapply at the beginning of the new school year.

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- The employee shall complete and submit required forms and letters to the Department of Human Resources.
- The employee will furnish all requested medical information deemed necessary to determine the employee's eligibility to receive the donated leave. Upon request, the employee shall execute an authorization for the release of medical information.
- The "Request for Donation of Personal Days" form and the "Master List of Donors" must be obtained from the Department of Human Resources.
- Any Life-threatening leave days given to the employee shall be coordinated with any collateral benefits being received by the employee so that sums of the amount of collateral benefits and the amount of donated day benefits received do not exceed the employee's pre-illness or pre-injury rate of pay.

CATASTROPHIC SICK
LEAVE BANK

The purpose of the catastrophic sick leave bank is to provide sick leave to contributors to the bank after accumulated sick leave has been exhausted, and more specifically, to provide such leave from the bank in the case of catastrophic illness.

1. Funding: The employee must submit a Catastrophic Leave Enrollment form to participate in the Catastrophic Leave Bank. One (1) leave day will be contributed to the Catastrophic Leave Bank at the beginning of each school year until the employee cancels his/her enrollment in writing during open enrollment. Sick leave properly authorized for contribution to the bank shall not be returned to the employee upon cancellation of membership in the program and the employee shall have no further claim to the bank. Participants lose the right to use the bank days upon termination of employment with the District, during a period of suspension without pay, or due to abuse or misuse of the rules governing the program. The employee may be required to reimburse the District for incurred costs.
2. Administration: Catastrophic Sick Leave days shall be used by an employee who is undergoing treatment for a catastrophic condition or whose spouse, child, or parent (parent-in-law, if tax dependent) is undergoing treatment for a catastrophic illness.

Each eligible employee shall have his or her Request for Catastrophic Days application considered in accordance with the following provisions:

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- The employee shall be a contributing member of the Catastrophic Leave bank.
 - The employee shall have completed at least one year of employment with the District and be eligible for benefits.
 - The employee shall have exhausted his or her paid leave benefits.
 - The employee shall request only days needed, and may not exceed 20 days for each request. The employee is limited to no more than three (3) requests within the school year. Leave from the bank may not be used from one school year to the next.
 - The employee must reapply at the beginning of the new school year.
 - The employee shall complete and submit required forms and letters to the Department of Human Resources.
 - The employee will furnish all requested medical information deemed necessary to determine the employee's eligibility to receive the donated leave. Upon request, the employee shall execute an authorization for the release of medical information.
 - The employee must be on an approved medical leave of absence.
 - Any Catastrophic Leave days given to the employee shall be coordinated with any collateral benefits being received by the employee so that sums of the amount of collateral benefits and the amount of Catastrophic Leave benefits received do not exceed the employee's pre-illness or pre-injury rate of pay.
3. Appeal: An employee dissatisfied with any action taken or decision made by the District may be appealed in accordance with DGBA (LOCAL), beginning with the Superintendent or designee.

Approved:
Jose Espinoza, Ed. D., Superintendent
March 27, 2019

Board Committee Review:
May 13, 2019