



#ConnectwithECISD

**ECISD POLICY – DEC (LOCAL)
COMPENSATION AND BENEFITS
LEAVES AND ABSENCES
2017-2018 School Year**

Board Approved 07/22/2016

FAMILY

The term “immediate family” shall include:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son-or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild
6. Any person residing in the employee’s household at the time of illness or death.

For purposes of the Family and Medical Leave Act, (FMLA) the definitions of spouse, parent, son or daughter, and next of kin. The definition of these are found in Policy DECA (LEGAL).

AVAILABILITY & EARNING- LEAVE

The District shall make (5) state and (5) personal leave for the current year available for use at the beginning of the school year.

Local leave accumulates up to a maximum of 20 leave days.

An employee shall not earn local leave when he or she is in unpaid status.

An employee using full or proportionate paid leave shall be considered to be in paid status.

LEAVE WITHOUT PAY

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available.

Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay for the pay period in which the leave is incurred.

Administrative procedure authorizes an exception for twelve month positions working 220 plus days, to deduct the cost of unearned leave days when the absence and negative balance becomes known.

LEAVE PRORATION FOR EMPLOYMENT - FULL YEAR

If an employee paid on a monthly basis uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

No proration of leave applies to state personal leave for those employed through his or her last duty day.

LEAVE PRORATION FOR EMPLOYMENT LESS THAN FULL YEAR

If an employee separates from employment with the District before the last duty day of the school year, the employee's final paycheck shall be reduced for:

1. State personal leave the employee used beyond his or her pro-rate entitlement for the school year; and
2. Local leave that an employee who is paid on a monthly basis used but had not earned as of the date of separation.

RECORDING OF LEAVE

Leave shall be recorded as follows unless an employee request a different order:

1. Leave shall be recorded in half-day increments for all employees.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
3. If the employee chooses to offset leave against worker's compensation benefits, leave shall be recorded in the amount used.

ORDER OF USE OF LEAVE

Other than time earned for staff development for TEP (Time Equivalency Program), earned compensatory time shall be used before any available paid state and local leave.

Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable.

1. Local leave.
2. State sick leave accumulated prior to the 1995-96 school year.
3. State personal leave.

MEDICAL CERTIFICATION

Any employee must submit a medical certification from a qualified health care provider confirming the specific dates of illness, the reason for the illness, and in the case of personal illness, the employee's fitness to return to work for the following reasons:

1. When the employee is absent more than three consecutive workdays because of personal or family illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences of less than three consecutive days or when deemed necessary by the principal, supervisor, or Superintendent;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

PERSONAL LEAVE

State law entitles all employees to five days of paid personal leave per year.

Personal leave is available for use at the beginning of the year.

State personal leave accumulates without limit and is transferable to other Texas school districts.

Personal leave may be used for two purposes: non discretionary leave and discretionary.

* Written request for use of leave must be submitted in advance of anticipated absence. Prior approval must be obtained from the immediate supervisor or principal. The effect of the employee's absence on the educational program or department operations, as well as of availability of substitutes, will be considered by the principal or supervisor.

DISCRETIONARY LEAVE LIMITATIONS

Discretionary personal leave may be taken at the employee's discretion not to exceed **five days per semester**. (All employees who exceed 5 state personal leave days within a semester will be docked.)

Discretionary leave shall **not** be allowed under the following circumstances.

1. The day before a school holiday,
2. The day after a school holiday,
3. Days scheduled for end-of-semester or end-of-year exams,
4. Days scheduled for state-mandated assessments, or
5. Professional or staff development days.

BEREAVEMENT (FUNERAL) LEAVE

Use of state personal leave and/or local leave for death in the immediate family shall not exceed five workdays per occurrence.

Employees may attend funeral leave of distant relatives or friends (one day per occurrence). Bereavement leave for distant relatives or friends shall be charged to state personal leave.

JURY DUTY

The District may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror.

For each regularly scheduled workday on which a non-salaried employee serves in any phase of jury service, a district shall pay the employee's normal daily compensation.

A copy of the jury summons notice must be submitted for the jury duty absence.

COMPLIANCE WITH A SUBPOENA

The District may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in civil, criminal, legislative, or administrative proceeding.

Absences for court appearances related to an employee's personal business shall be deducted from the employee's state personal leave or at the option of the employee, shall be taken as leave without pay.

TRUANCY COURT APPEARANCES

The District will not terminate the employee of a permanent employee because the employee is required under Family Code 65.062(b) to attend a truancy court hearing.

Absences for truancy court appearances related to an employee's personal business shall be deducted from the employee's state personal leave or at the option of the employee, shall be taken as leave without pay.

MILITARY LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. “Personal leave” includes personal or sick leave available provided by local policy

CONTINUATION OF HEALTH INSURANCE

Employees on an approved leave of absence other than family and medical leave may continue their insurance benefits at their own expense.

Health insurance benefits on paid leave and leave designated under the Family and Medical Leave Act will be paid by the District as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

SUPERINTENDENT'S OVERTIME DIRECTIVE

In accordance with ECISD Policy DEA (LEGAL/LOCAL)
COMPENSATION AND BENEFITS WAGE AND HOUR LAWS be
advised:

- Overtime is not allowed unless authorized in advance by the Principal or Department Head.
- Overtime hours (comp-time) accumulated must be used within the following month, otherwise it will be scheduled for use by the Principal or Department Head
- Failure to comply with this directive will result in disciplinary action

PATTERNS OF ABSENCE

If an employee establishes a questionable pattern of absences of less than 5 consecutive days, the principal or supervisor may inquire about the necessity of such absences and may require a medical certification for any subsequent absence. See example below reflecting pattern of Monday and Friday absences.

Week	Monday	Tuesday	Wednesday	Thursday	Friday
1	PI				
2	PI				
3					FI
4					PI
5	FI				

TEMPORARY DISABILITY

- Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave.
- The maximum length of temporary disability leave shall be 180 calendar days. Temporary disability leave will be used concurrent with FMLA leave.

FAILURE TO RETURN FROM FMLA

- 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 each month by the District during the leave. See example below.

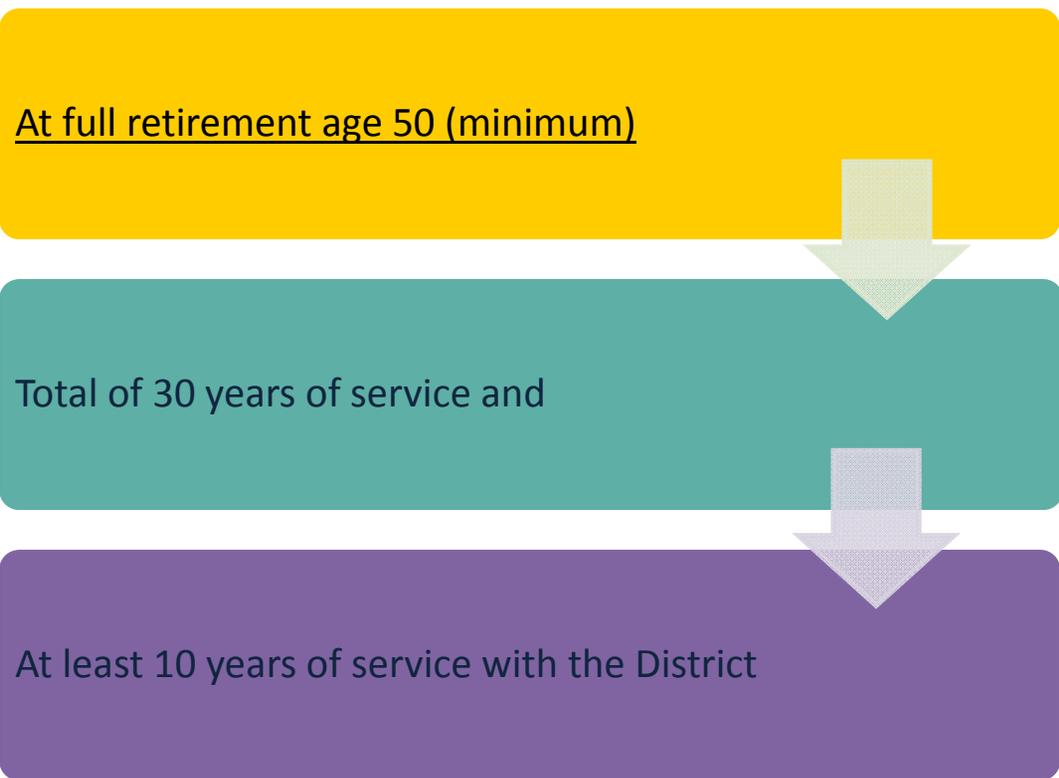


Plan	Type	Emp Cost	Employer Cost	Total
Continental	Medical	60.00	252.71	312.71
Ameritus	Dental	7.80	11.00	18.80
Unum	Life		1.14	1.14
Total		67.80	264.85	332.65

REIMBURSEMENT FOR UNUSED LEAVE AT RETIREMENT

Employees that meet the criteria listed to the right are eligible for reimbursement of 50 percent of their unused leave (local and state) at their current daily rate of pay at time of retirement.

At full retirement age 50 (minimum)



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graph TD; A[At full retirement age 50 (minimum)] --> B[Total of 30 years of service and]; B --> C[At least 10 years of service with the District];
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Total of 30 years of service and

At least 10 years of service with the District

UNIFORM ABSENCE POLICY

The District shall take all necessary steps to terminate the employment of any employee who has exhausted all available leave under District Policy if the employee is subsequently absent from duty for five or more days within the course of the same school year.

Before making a final decision to terminate employment based on absences after all leave is exhausted, the District shall consider the employee's eligibility for reasonable accommodation of a disability under the Americans with Disabilities Act. [See DAA] This policy shall not require the District to maintain the employment of any person who is incarcerated in a federal, state, or local correctional institution.

MODIFIED DUTY FOR EMPLOYEE ON WORKERS' COMPENSATION LEAVE

Supervisors shall attempt to make short-term modified duty assignments for an employee who has been released by his/her physician to return to work from workers' compensation leave with limitation or disability.

The purpose of this policy is to allow employees to return to work in a limited/modified capacity until fully recovered and to lower workers' compensation costs.

MODIFIED DUTY (CONT)

The following shall apply:

1

- An employee who is injured on the job is eligible for limited/modified duty if accommodations are available.

2

- The supervisors shall attempt to identify suitable work within the department/school. Since this assignment is of a temporary nature, the employee shall remain in his or her current position.

3

- The supervisor shall analyze the specific job restriction on a temporary basis, normally not to exceed 90 days. If the restrictions exceed 90 days, then the continued availability of the modified duty assignment shall be up to the supervisor for a maximum of **30 days**.

MODIFIED DUTY (CONT)

The following shall apply:

4

- Should the supervisor not be able to accommodate limited duty, the supervisor shall contact the risk manager to establish if any other limited/modified duty is available. The originating department/school shall be responsible for the employee's salary.

5

- During the period of limited duty, the employee shall follow all District policies and procedures.

6

- At any time an employee does not receive pay from the school district, the employee is allowed to continue group insurance at the employee's expense for the period specified.

Employee questions about DEC Local Compensation and Benefits Leave and Absences Policy should be referred to contact the Payroll and Employee Benefits Department.