

# PERS4.2 - Leaves and Absences: Professional And Support Staff

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## P - Personnel

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### PROFESSIONAL STAFF

#### LEAVES AND ABSENCES

##### *Professional Staff Absent Without Leave*

An employee shall be deemed "absent without leave" when absent from work because of:

- A. A reason that conforms to a policy currently in effect but the maximum days provided for in that policy will be exceeded; or
- B. A reason that does not conform to any policy currently in effect; or
- C. Failure to report to work without prior notification to the Superintendent. In no case shall an employee be compensated for time lost due to being absent without leave. An employee who is absent from work without prior approval is subject to disciplinary action, as is one who was unable to obtain prior approval due to unusual circumstances and such approval is denied upon the employee's return.

##### *Professional Staff Sick Leave*

This purpose of this policy is to comply with the Fair Wages and Healthy Families Act.

Sick leave for District personnel is a designated amount of compensated leave that is to be granted to a staff member who, through personal or family illness, injury, or quarantine, is unable to perform the duties assigned. When a staff member exhausts all hours of accumulated sick leave and additional sick leave is needed, an additional leave of absence must be requested pursuant to District policy. If an employee does not wish to return to her duties following childbirth, an extended leave of absence must be requested, consistent with existing District policy. Upon request, the staff member shall inform the Superintendent of the following:

- A. Purpose for which sick leave is being taken.
- B. Expected date of return from sick leave.
- C. Where the staff member may be contacted during the leave.

##### *Professional Staff Use of Earned Paid Sick Time*

Earned paid sick time shall be provided to an employee by the District for:

- A. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
- B. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
- C. Reasons related to child care, domestic violence, sexual violence, abuse or stalking, and legal services as described in A.R.S. § 23-373. Earned paid sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the District.

When possible, the request shall include the expected duration of the absence. The District reserves the right to deny the use of earned paid sick time if the employee fails to report the need for the use of the sick leave as required by this policy.

When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time to the District in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the District.

The District will not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

Earned paid sick time may be used in five (5) minute increments.

For earned paid sick time of three (3) or more consecutive work days, the District may require reasonable documentation that the earned paid sick time has been used for a purpose covered by A, B, or C, above. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this section.

As defined in statute (A.R.S. § 23-371), "family member" means:

- A. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- B. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
- C. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- D. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
- E. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

#### *Professional Staff Notice*

The amount of sick leave available to an employee, the amount of sick leave taken by an employee to date during the year, and the amount of pay an employee has received as sick leave will be recorded in or attached to the employee's paycheck.

#### *Professional Staff Accrual:*

- A. Employees of the District shall accrue a minimum of one (1) hour of earned paid sick time for every thirty (30) hours worked, but employees shall not be entitled to accrue or use more than forty (40) hours of earned paid sick time per year, unless the District selects a higher limit. A "year" is defined as the twelve (12) month period beginning on July 1 of each fiscal year.
- B. Earned paid sick time shall begin to accrue at the commencement of employment or on July 1, 2017, whichever is later.
- C. An employee may use earned paid sick time as it is accrued, except that an employee hired after July 1, 2017 must wait until the ninetieth (90th) calendar day after commencing employment before using accrued earned paid sick time.
- D. Employees who are exempt from overtime requirements under the Fair Labor Standards Act of 1938 (29 United States Code section 213(A)(1)) will be assumed to work forty (40) hours in each work week for purposes of earned paid sick time accrual unless their normal work week is less than forty (40) hours, in which case earned paid sick time accrues based upon that normal work week.
- E. Earned paid sick time shall be carried over to the following year, subject to the limitations on usage of forty (40) hours per year.
- F. If an employee is transferred, but remains employed by the District, the employee is entitled to all earned paid sick time accrued and is entitled to use all earned paid sick time as provided in this section.
- G. When there is a separation from employment and the employee is rehired within nine (9) months of separation by the District, previously accrued earned paid time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement of employment.
- H. When a different District succeeds or takes the place of an existing District, all employees of the original District who remain employed by the successor District are entitled to all earned paid sick time they

accrued when employed by the original District, and are entitled to use earned paid sick time previously accrued.

### *Professional Staff Retaliation Prohibited*

The District will not interfere with, restrain, or deny the exercise of, or attempt to exercise, any right protected in this policy or the Arizona Fair Wages and Healthy Families Act. The District will not retaliate or discriminate against an employee because the employee has exercised protected rights, including but not limited to the right to request or use sick leave; the right to file a complaint with the Industrial Commission of Arizona or courts or inform any person about the District's alleged violation; the right to participate in an investigation, hearing, or proceeding or cooperate with or assist the Industrial Commission of Arizona in its investigations of alleged violations; and the right to inform any person of his or her potential rights.

The District's absence policy will not count sick leave as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action. Protections of this section will apply to any person who mistakenly but in good faith alleges violations of this policy or the applicable law.

## **SUPPORT STAFF**

### **LEAVES AND ABSENCES**

#### *Support Staff Sick Leave Accumulation*

Leave will be credited to all employees on a bi-weekly pay period basis. (See chart).

Employees will earn a minimum of (1) one hour per (30) thirty hours worked.

Work Year / Days Accrued

9/9.5 mo. 12

10 mo. 14

11 mo. 15

12 mo. 16

Unused leave may be accumulated up to the number of hours in the individual's work year. Continuing employees will be compensated for unused Leave hours in excess of the total number of hours in their work year. The following rates of pay will be used for compensation:

- A. Administrative - eighty-five percent (85%) of daily rate of pay.
- B. Certificated - Current substitute teacher daily pay rate.
- C. Educational Support Personnel (ESP) Staff - Current ESP entry level; hourly pay rate as published on the ESP Salary Schedule.
- D. Nurse - Current substitute nurse daily pay rate schedule.

Compensation will be made from funds in the current academic year and are not included as a termination benefit.

#### *Support Staff Reporting*

It shall be the responsibility of the employee to report an absence to his or her immediate supervisor in an accurate and timely manner.

An employee must record the absence on the required electronic System. Staff members requiring a substitute teacher must also request coverage on the required substitute system.

Leave will be requested in writing at least three (3) working days in advance to the principal or supervisor except in the case of illness or emergency. The principal or supervisor may approve leave, subject to the needs of the District and the availability of substitutes, as applicable. All absences must be documented using the appropriate reporting system.

"Prompt" is defined as "prior to the employee's regularly scheduled work time."

The District reserves the right to require written explanation and/or verification by a physician for any absence charged to "illness."

#### *Support Staff Use of Earned Paid Sick Time*

Earned paid sick time shall be provided to an employee by the District for:

- A. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
- B. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
- C. Reasons related to child care, domestic violence, sexual violence, abuse or stalking, and legal services as described in A.R.S. § 23-373. Except in the case listed above no more than three (3) consecutive days will be approved. The maximum number of leave days that can be taken in a contract year will be limited to the number of leave days the employee can earn on an annual basis. Additional leave may be granted in accordance with policy.

Employees on leave who have leave hours available up to a holiday/ recess day will be paid for that holiday/recess day.

Employees on leave who have exhausted their accumulated leave hours prior to a holiday/recess must return to work one (1) week prior to a holiday/recess day to be paid.

Employees absent because of temporary disability in excess of five (5) consecutive days will be required to provide the supervisor with a doctor's release to return to work.

Employees who are excessively absent may be subject to disciplinary action:

- A. Excessive absence shall be defined as absences during a contract year which exceed the total number of leave days which the employee can earn on an annual basis.
- B. Excessive absences for hourly employees shall be defined as absences exceeding accrued leave or absences in excess of leave days which the employee can earn in an academic year.
- C. Supervisors shall verbally inform an employee whose absences are adversely affecting their job performance.
- D. Supervisors shall give written notification of possible disciplinary action should an employee's absences continue. The employee shall be given an opportunity to explain the reasons for the absences and to improve their attendance before disciplinary action is initiated.

A certificated employee who exhausts his/her paid leave must apply for unpaid leave of absence pursuant to A.R.S. 15-510, or will lose their entitlement to continuation rights.

Employees who exhaust their leave and do not request unpaid leave of absence may be considered to have abandoned their contract and/or position within the District.

#### *Support Staff Leaves of Absence Without Pay*

The District recognizes that on occasion extenuating circumstances arise that may necessitate absence from duty that is not covered by other specific leave provisions of the District. To address such situations, a leave of absence, without pay, may be granted a member of the certificated or support staff for not longer than one (1) year.

Leave of absence may be requested for, but not limited to, the following purposes:

- A. For additional education that relates to the employee's primary assignment. A plan of contemplated course work must be presented.
- B. To provide for an unpaid leave in a situation where the employee will be absent from work because of 1)

a reason that conforms to a policy currently in effect but the maximum number of days provided for in that policy will be exceeded, or 2) failure to report to work without prior notification to the Superintendent.

C. For a leave of absence that benefits or is in the best interest of the District, as determined by the Board upon review of the application.

D. For leave under the Family and Medical Leave Act.

A leave of absence requested pursuant to this policy may be:

A. Approved by the Superintendent if the leave period does not exceed twelve (12) weeks; or

B. Recommended by the Superintendent and approved by the Governing Board if the leave period exceeds twelve (12) weeks.

A request for leave of absence shall not be denied by the District if the employee is entitled to the leave under the Family and Medical Leave Act. All other applications for leave of absence may be granted or denied by the District, in its sole discretion.

Each request for such a leave of absence shall be in a written application stating the purpose, starting date, and duration of the leave of absence, the reasons for its necessity or desirability, and any other information the applicant deems relevant to the request. The leave of absence shall be only for the purpose and duration approved and may not be extended without written approval by the District.

All rights of continuing status (certificated teachers only), retirement, salary increments, and other benefits shall be restored at the level earned when the leave was granted. All accrued sick, vacation, personal, and other paid leave shall be applied to the leave period unless otherwise agreed to by the District or prohibited by the Family and Medical Leave Act.

## **PROFESSIONAL STAFF**

### **SABBATICAL LEAVE**

Sabbatical leave may be granted to certificated teaching and administrative personnel for a maximum of one (1) year when conforming to Arizona Revised Statute, 15-510.

Application for sabbatical leave must be received by March 15. It will be considered within the framework of all applicable law, on the basis of improvement of professional preparation and/or the educational program of the District, current assignment of the individual, value of the leave to the District, and funds that are available.

An employee's sabbatical leave will be governed by applicable Arizona Revised Statutes.

## **PROFESSIONAL / SUPPORT STAFF**

### **BEREAVEMENT LEAVE**

An employee may be granted, upon request to the Superintendent, up to five (5) days of leave per year, with pay, to be used in the event of death of an employee's family member as defined in Policy.

Extensions of bereavement leave may be granted upon personal request to the Superintendent. If approved, all such extensions of bereavement leave shall be deducted from the employee's accrued sick leave. In the absence of any accumulated sick leave, and upon request, the Superintendent may approve an unpaid leave of absence for each day of extended bereavement leave used.