

*Topic:*

## **Employee Leaves and Absences**

*Reference or Contact:*     [Payroll Department](#)

Lubbock ISD School Board Policy [DEC\(LOCAL\)](#) supersedes the below procedures.

Employees will receive Local Leave, State Personal Leave and Non Duty days (226 day assignments only) for the current year at the beginning of the school year.

If an employee separates from the employment with Lubbock LISD before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.

If an employee separates from the employment with Lubbock ISD before his or her last duty day of the year and was on a 226 day assignment, Non Duty days will be deducted from the employee's pay as they are given based on employee completing their assignment.

If an employee separates from employment 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 rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.
3. Non Duty not earned due to employee not completing assignment.

All employees in positions normally requiring 10, 11, or 12 months of service per year shall earn five, six, and seven paid local leave days, respectively, per school year in accordance with administrative regulations.

- Employees hired prior to the 2010-11 school year, local leave shall accumulate to a maximum of 110 workdays.
- Employee hired in the 2010-11 school year and after, local leave shall accumulate to a maximum of 30 workdays.
- An employee's accumulated local leave days shall be forfeited after any continuous break in service lasting longer than 12 months and shall not be reinstated upon any subsequent reemployment with the District.

### **Reimbursement for Leave upon Retirement:**

The following leave provisions shall apply to local leave earned beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for reimbursement for local leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or non-renewed.
2. The employee provides advance written notice of intent to retire. Contract employees must provide written notice at least 30 days before the last day of employment. Non-contract employees must provide written notice at least two weeks before the last day of employment.
3. The employee has at least 15 years of service the District.
4. The employee has at least 20 days of available local leave.

The employee shall be reimbursed for each day of unused local leave, to a maximum of 80 days, at a rate established by the Board. The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

The current District rate, in accordance with the above paragraph, are:

- Exempt personnel \$25 per day
- Non-Exempt personnel \$12 per day

**Leave shall be recorded as follows:**

1. For positions for which a substitute is normally required, leave shall be recorded in half day increments, even if a substitute is not employed.
2. For positions for which a substitute is not normally required, leave shall be recorded on an hourly basis.
3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
4. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

**Order of leave used:**

Earned compensatory time shall be used before any available paid state and local leave.

Unless an employee request 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 before the 1995-96 school year.
3. State personal leave.

### **Medical Certification:**

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than four consecutive workdays because of the personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the 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 request FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA\(LEGAL\)](#)

### **Definitions of "Family":**

The term "immediate family" is defined as:

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. Grandparents and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For the purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in [DECA\(LEGAL\)](#).

### **Discretionary State Personal Leave:**

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee request to use leave. The supervisor or designees shall, however, consider the effect of the employee's absence on the educational program or Districts Operations, as well as the availability of the substitutes.

Discretionary use of state personal leave shall not exceed three consecutive workdays.

**Bereavement Leave:**

Upon the death of a member of an employee's immediate family, the employee shall be granted five leave days of local bereavement leave with no loss of pay or deduction of any other available leave.

**Court Appearances:**

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Employee will need to submit a statement from the District Clerks office verifying their presence for jury duty and or submit a copy of the subpoena.

**Worker's Compensation:**

Worker's compensation is not a form of leave. The worker's compensation law does not require the continuation for the District's contribution to health insurance. (See [CRD-LOCAL](#)) regarding payment of insurance contribution during employee absence.)

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

An employee eligible for worker's compensation income benefits, and not on assault leave, may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage.