

DESCRIPTOR TERM: Personnel and Employment	Millard District Policy File Code: 4240 Approved: 09-10-20
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EMPLOYEE LEAVES OF ABSENCE & RELEASED TIME

DEFINITION OF TERMS:

Immediate Family: consists of father, mother, husband, wife, son, daughter, sister, brother, grandparents, grandchildren, uncle, aunt, nephew, niece, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or first cousin.

Emergency Response Personnel: include those trained individuals who provide emergency response support, such as EMTs, Paramedics, Firemen, Ambulance Drivers, Search & Rescue, Sheriffs Posse, etc.

Eligible Employee: any adult employee who is not holding a twelve-month contract.

Health Care Provider: an individual, institution, or agency that provides preventive, curative, promotional, or rehabilitative health care services in a systematic way to individuals, families, or communities.

Purpose

It is recognized that there are times when district employees need to be released, either short term or long term, from their district responsibilities for various reasons. The purpose of this policy is to provide guidelines for board approved leaves of absence and released time.

Board Approved Leaves of Absence and Released Time

The district shall consider leave of absence requests for the following purposes:

1. Work or educational experiences related to the teacher’s educational assignment.
2. Travel-study programs for full academic year of credit.
3. Civil or political activities requiring temporary full-time involvement for one academic year.
4. Teacher Exchange programs –

Applications for leaves for work experience, programs of travel-study or teacher exchange shall be considered on the basis of potential value to the teacher and school district in their educational assignment, and applications should describe the specific benefits which are anticipated. Upon return to the district the individual shall verify completion of the program for which the leave was granted.

5. Health related problems, verified by a health care provider, that prevent the educator from performing work duties during the academic year.
6. Military service, extended humanitarian, religious service, or other similar service that may enhance the educator's teaching skills or experience.

A. Sabbatical Leave

Full-time non-provisional educators, who will have at least seven (7) consecutive full school years of service in the district before the date the sabbatical leave would begin, may apply for sabbatical leave for approved scholarly programs carried on in an academic institution.

1. Applications for Sabbatical Leave must be submitted in writing to the Superintendent on or before March 1st prior to the school year for which the leave is desired.
2. The Superintendent may grant sabbatical leave subject to the approval of the Board of Education.
3. An educator on sabbatical leave may receive up to 50% of his/her base salary. This amount will be paid by the district in ten equal monthly payments for the school year provided that such pay, when added to any program grant, shall not exceed the educator's full annual salary rate at the time the application is approved. The board will determine approval annually based on value to the district and budget available.
4. The board shall provide group insurance, retirement, and all other benefits afforded by the district.
5. The educator must earn a minimum of twenty-seven (27) graduate quarter hours or eighteen (18) graduate semester hours during the academic year. Exceptions to this may be granted by the board. The Educator shall provide a transcript to verify the hours completed.
6. An educator receiving sabbatical leave shall return to Millard School District for at least three years following the leave, or reimburse the district one-third the amount received during the leave for each year not completed.
7. If an educator fails to complete the minimum credit requirement, he/she shall be required to refund a proportionate amount of the sabbatical leave funding to the district.
8. Upon returning to Millard School District, the educator will be granted such increment and advancement on the salary schedule as he/she would have received had he/she been actively employed by the district during the term of absence.

B. Unpaid Leave of Absence for Graduate Study (Not Sabbatical)

1. Professional personnel who have 3 years of teaching will be granted a leave of absence for the purpose of graduate study when approved by the Millard Board of Education.
2. Applications for leave must be submitted in writing to the Superintendent of Schools on or before March 1st prior to the school year for which the leave is desired.
3. Job placement upon return to the Millard School District will be dependent upon available openings. In the event it is not practicable for the district to assign the teacher to the same school or teaching area where he/she previously served, reasonable efforts will be made to place the teacher in an area or position in which the teacher is best qualified.
4. Premiums on group insurance coverage will not be paid by the district for teachers on unpaid leave unless approved by the board.
5. Recipients of a leave of absence have the responsibility to notify the Superintendent of Schools on or before March 1 of the year in which they are on leave, concerning their employment intentions for the coming year.

C. Unpaid Leaves of Absence for Less Than One Year

1. Unpaid leaves of absence for fewer than 10 work days may be approved upon request by the principal or program supervisor.
2. Unpaid leaves of absence for 10 or more work days, but for less than a full year, may be granted when approved by the Superintendent.

Applications for unpaid leave of absence must be submitted in writing to the Superintendent at least 60 days prior to the requested leave date, except in circumstances involving health related emergencies or unforeseen events.

3. The district shall consider leave of absence requests for less than one year for the following purposes:
 - a. Work or educational experience directly related to the teacher's educational assignment.
 - b. Travel-study programs for academic credit.
 - c. Civil or political activities requiring temporary full-time involvement.
 - d. Teacher Exchange purposes: Leaves of Absence shall not be granted for purposes relating primarily to vacation. Applications for leaves for work experience, programs of travel-study or teacher exchange shall be considered on the basis of potential value to the teacher and school

district in their educational assignment and applications should describe the specific benefits which are anticipated. Upon return to the district the individual shall verify completion of the program for which the leave was granted.

- e. Health related problems, verified by a health care provider, that prevent the educator from performing work duties.
 - f. Military service, extended humanitarian, religious service, or other similar service that may enhance the educator's teaching skills or experience.
4. The district will make a reasonable effort to place teachers returning from such leave in the same position they held prior to going on leave. However, the district will not guarantee such placement. In situations where teachers may not be returned to their same positions, their principal shall notify them in advance of their leave.
 5. Premiums on group insurance coverage will not be paid by the district for teachers on unpaid leave unless approved by the board.
 6. A teacher returning to the district from unpaid leave shall retain the same sick leave benefits as he/she accrued at the time of entering upon such leave.

D. Sick Leave

1. Sick Leave – Professional Educators

In the event the professional educator is compelled to be absent from school because of personal illness, the illness of spouse or children, or the death of a member of the immediate family, sick leave will be granted, based as follows:

- a. Part-time Teachers Sick Leave – Part-time teachers will be allowed ten equivalent days sick leave per year. They may accumulate up to thirty equivalent days after 3 years.
- b. Additional Clarification – Teachers who work one-half time or more will receive credit on a “proportional” basis toward career status. Teachers who obtain career status will remain on career status if they move to part-time work. However, part-time workers do not qualify for Long Term Disability.
- c. Provisional Educators will receive 10 days of sick leave for each of the first three years, the unused portion to be carried forward to, and including, the third year.
- d. A Career Educator will receive a maximum of 120 days of sick leave per year. These rights are not cumulative.

- e. Employees who are absent from duty because of pregnancy or adoption shall receive sick leave on the same basis as defined in (a) and (b) above. Days absent for pregnancy, childbirth, and/or adoption will not exceed 15 days. This is not in addition to Sick Leave described in (a) and (b) above. Should the employee require additional days, a request shall be submitted to the Board of Education for approval.
 - f. Medical or dental appointments should be scheduled outside the regular contract day except in emergency situations.
 - g. Employees requesting sick leave for the birth of grandchildren will be granted up to one day of sick leave. If additional days are required because of serious illness or complications, approval must be obtained from the principal or immediate supervisor.
 - h. A health care provider's verification of illness may be required.
 - i. Professional employees who use no sick leave will be paid a \$150.00 wellness bonus. This payment will be dispersed in the June payroll.
2. Sick Leave – Classified Personnel

In the event the contract classified employee is compelled to be absent from school because of personal illness, the illness of spouse or children, or the death of a member of the immediate family, sick leave will be granted, based as follows:

- a. Classified Employees - shall receive one day of sick leave per year for every month worked. Twelve-month employees receive twelve days and nine-month employees receive nine days. Each employee sick leave day is equivalent to the number of hours that employee usually works.
- b. Long Term Disability Benefit – To be eligible for the Long Term Disability benefit, a classified employee must be eligible for district health benefits, have completed three years service with Millard School District, and have accumulated at least twenty (20) sick leave days. Once an employee has accumulated 124 sick leave days, he/she will be eligible for 124 sick leave days annually.
- c. Part-time Classified Employees - will be granted nine days sick leave each school year based on the number of hours worked per day, and may accumulate up to eighteen (18) days. If serious illness occurs, an additional three (3) days based on the number of hours worked per day, can be granted upon recommendation of the supervisor and approved by the principal. (see 1987-88 Classified Negotiated Agreement, #4)
- d. Extended Illness Benefit - A part-time classified employee may accumulate up to an additional nine (9) days sick leave. This benefit is for extended illness. In order to qualify for those additional days above

the 18, a health care provider's statement will be required. (see 1993-94 Classified Negotiated Agreement, #4)

- e. Employees who are absent from duty because of pregnancy or adoption shall receive Sick Leave on the same basis as defined above. Days absent for pregnancy, childbirth, and/or adoption may not exceed twelve (12) days. This is not in addition to Sick Leave described above. Should the employee require additional days, a request will be submitted to the Board of Education for their approval.
- f. Medical or dental appointments should be scheduled outside the regular contract day except in emergency situations.
- g. Employees requesting sick leave for the birth of grandchildren will be granted up to one day of sick leave. If additional days are required because of serious illness or complications, approval must be obtained from the principal or immediate supervisor.
- h. A health care provider's verification of illness may be required.
- i. All requests for sick leave must be approved by the principal or immediate supervisor.
- j. Accumulation of sick leave for reimbursement was frozen as of July 1, 1985. Classified employees who have accrued sick leave prior to that date, and retire under the provisions of the Utah State Retirement Act, will receive payment of any unused sick leave days accumulated to their credit.
 - i. Payments will be made upon retirement at the rate of \$20.00 per day for each unused sick leave day for 9 month employees and \$25.00 per day for 12 month employees.
 - ii. Employees who are terminated because of budget cuts or staff reductions will receive credit at the above rate for unused sick leave days.
 - iii. Employees who are dismissed or terminated because of unsatisfactory work will not be granted unused sick leave days. Also, employees who terminate on their own initiative prior to retirement will not be granted unused sick leave benefits.

E. Death or Serious Illness of Family Member

The Board of Education has approved the use of sick leave to be used judiciously for illness of self and in the event of the death or serious illness of an immediate member of the family, according to the following provisions:

1. Immediate Family is defined in Definition of Terms. Exceptions that may be considered by the Superintendent include those who have virtually held the position of an immediate member of the family.
2. For any absence beyond one day in case of serious illness of an immediate family member other than spouse, parent, or child, approval must be secured from the Superintendent.
3. With the approval of the principal or program director, any educator under contract with the Board of Education will be entitled to use up to 5 days sick leave in the event of death in the immediate family. Principals shall have discretion in approving leave requests based on the particular needs and circumstances surrounding the death.
4. Employees anticipating an absence exceeding 10 consecutive work days shall provide advance notice in writing to the Superintendent of their approximate leave dates so that necessary payroll adjustments and long-term substitute arrangements can be made.
 - a. In emergency situations when extended absences cannot be anticipated or planned, employees shall provide written notice to the Superintendent as soon as they are reasonably able to do so.
 - b. Upon request, employees who use more than 10 consecutive sick leave days shall also provide the Superintendent with a written statement from their physician(s) certifying illness or disability and projected recovery date.
5. Employees who exhaust their accumulated sick leave may request an advance of sick leave credit, but not to exceed 5 days.
 - a. If such credit is granted, the requesting employee must pay back the number of days during the following 2 years by deducting days from unused accumulated sick leave.
 - b. For employees who use sick leave credit and who cease employment, sick leave credit must be returned in cash and may be withheld from the employee's final paycheck.

F. Emergency Leave

In the event of a personal or family crisis or other emergency situation which is not covered by the sick leave, short-term disability, long-term disability or worker's compensation, employees who need to be away from work for a limited period of time may request emergency leave in writing from the Superintendent. Such leave will be available only to an employee in good standing who has used all accrued sick and personal leave. When an employee is granted this leave, the cost of a certificated substitute shall be deducted from the employee's daily rate of pay for each day of approved absence. Requests for emergency leave shall be limited to

20 days per contract year, but the decision as to the amount of leave allowed in each individual case will be determined solely by the Superintendent.

G. Family Leave

1. In the event of serious illness of an eligible employee or an eligible employee's spouse, parent, or child, an employee may request in writing to the Superintendent an unpaid leave of absence of up to 12 calendar weeks. An eligible employee may also request an unpaid leave of absence of up to 12 calendar weeks following the birth or adoption of the employee's child.
2. Employees who have worked for the district for at least 12-months and who have worked a minimum of 1,250 hours for the district during the previous 12-month period are eligible for family leave.
3. Eligible employees may not be granted family leave in excess of 12 calendar weeks during any 12-month period.
4. Written requests for family leave due to serious illness or health condition must be accompanied by a health care provider's certification indicating the anticipated duration and the nature of the illness or health condition. The illness or condition must require inpatient care in a hospital or residential facility or continuing treatment by a health care provider. At its expense, the district may require the employee to obtain a second opinion by a health care provider designated by the district.
5. In the event of birth or adoption, the district may require the employee to use his/her accumulated personal and/or sick leave prior to granting unpaid leave. For an employee's own illness or illness of a spouse, parent, or child, the district may require the employee to use his/her accumulated personal leave and sick leave before granting unpaid leave. The total family leave period, whether paid or unpaid, shall not exceed 12 calendar weeks.
6. When an employee and spouse both are employed by the district, both individuals together shall each be limited to a total of 12 calendar weeks of leave in the event of birth or adoption of a child or the illness of a parent.
7. Employees anticipating a family leave request shall give the district as much advance written notice as possible.
8. During the family leave period, the district shall continue to pay its portion of the employee's group health insurance premium. An employee who pays a portion of their own insurance costs must continue to pay his/her portion of the insurance premium while on family leave in order to keep coverage in effect.

9. Upon returning from family leave, an employee shall be assigned to his/her previous position or to an equivalent position with equivalent pay and benefits.
10. No benefit accrued prior to taking leave shall be lost as a result of taking leave under this policy. The employee shall not accrue any seniority or employment benefits during any period of family leave.
11. If an employee fails to return to work after leave expires for reasons other than continuation, recurrence or onset of a serious health condition of the employee, son, daughter or spouse, then the district may recover the premium paid for maintaining insurance coverage for the employee during the leave period.

H. Personal Leave

1. Personal Leave is a privilege employees are given to take care of certain personal and emergency situations which must be accomplished during the school day. A personal leave day may be used for any purpose at the discretion of the employee, subject to the following conditions:
2. Each eligible employee in the district will be granted 4 days of personal leave per year, cumulative to ten (10) days for classified employees and ten (10) days for professional employees. A leave day is equivalent to one calendar day, regardless of the number of hours typically worked. (see 2002-03 Classified Negotiated Agreement, #4, 2008-09 Professional Agreement # 5).
3. An employee planning to use a personal leave day or days shall notify his/her principal or supervisor at least one day in advance, except in cases of emergency.
4. Limitations to personal leave:
 - a. The eligible employee may be asked to explain the reason for any personal leave requested for a school day immediately before or after a holiday, weekend or vacation period and reasonable restrictions and limitations will be imposed on personal leaves for such days.
 - b. Only in the event of an emergency will eligible employee be permitted to take personal leave on regularly scheduled parent/teacher conference days and the first day and last two (2) days of the school year.
 - c. In addition, to assure the normal operation of a school, limitations must be placed on the number who can take personal leave on any given day. This will be determined by the supervisor of each school.
5. Payment for unused personal leave days – Professional employees that have accumulated the maximum number of personal leave days will be paid \$75.00 each for the four personal days that would have been otherwise

awarded for the following school year. This payment will be made in the October 1st check.

I. Service in Legislature

The Board of Education grants release of an employee who has been elected to the legislature to serve either in the Senate or House of Representatives. Employees serving in the Legislature shall receive full salary for the period they are in legislative session minus their Legislative base pay.

J. Civic Duty

1. Jury Duty

a. Employees selected for Jury Duty shall receive full salary.

2. Witness in Court

a. Employees who are subpoenaed to testify as a witness in legal action shall receive full salary for the period they are absent from duty while in court.

b. Employees who are litigants in legal action in cases where the legal action is an outgrowth of or related to their educational assignment shall receive full salary for the period they are absent from duty while in court.

3. Funerals and Civic Programs

a. Personnel employed on a full-time basis will be allowed time for attendance at funerals and special civic programs as a speaker, chairperson, musician, etc., provided arrangements are made in advance and the principal or supervisor gives approval.

K. Military Leave

Employees who are members of the United States Army, Navy, Air Force, Marines, Coast Guard, or Reserve Units shall be allowed military leave according to the Uniformed Services Employment and Reemployment Rights Act, USERRA. Military leave for service includes voluntary and involuntary duty regardless of status in the uniformed service including:

active duty;
active duty for training;
initial active duty for training;
inactive duty for training;
full-time National Guard duty; and
absence from work for an examination to determine a person's fitness for the above types of duty.

Employees requesting military leave should give the district notice in advance of being absent from work for military service. Under certain circumstances, such as “military necessity”, prior notice may not be practical.

During such military leave the employee shall receive his/her regular pay less his/her military base pay.

Such leave of absence will be granted only on the basis of official military orders which must be filed with his/her immediate supervisor.

1. Termination of Military Duty and Reporting Back to Work –

- a. Any honorably discharged member of the uniformed service is entitled to reemployment rights based on the length of service and their due diligence in meeting their reporting obligations:
 - i. For service from **one to 30 days**. The person must report back to work on the first regularly scheduled workday that falls eight hours after a person returns home.
 - ii. For service from **31 to 180 days**. The request for reemployment must be submitted not later than 14 days after completion of service.
 - iii. For service **181 days to five years**. An application for reemployment must be submitted not later than 90 days after completion of a person’s military service.
 - iv. For a service-connected injury or illness. A person who is hospitalized or convalescing for a service related injury or illness at the time of completion of military service is entitled to an extended period of up to two years for making application for reemployment.
- b. USERRA provides for reemployment of the returning service member back to the same level on the seniority scale that the person would have occupied had he/she remained continuously employed. If the period of service did not exceed 90 days, the service member is entitled to the exact job they left, provided they are still qualified for that job [Section 4313(a)(1)]. If the period of service is for 91 days or more, the district has the option to reemploy the service member in another position of “like seniority, status and pay” [Section 4313(a) (2)]. In addition, the service member is entitled to all benefits that would have been available had there not been an interruption in employment. This includes pay increases, vacations and pension rights.

L. Association Leave

The presidents or designees of the Millard Classified Association and the Millard Education Association shall be allowed 10 days of released time to attend School board meetings. Any other requests for Leave of Absence for association business must be made in writing to the Superintendent, and includes information demonstrating where the paid association leave directly benefits education within the school district. No paid association leave will be granted where an employee is engaged in political activity. Any willful violation of this policy will result in corrective action. (Utah Code 53A-8-104)

M. Professional Leave

Professional leave will be made available for educators wishing to attend educational meetings, participate in workshops or visit and observe other programs during the school day. School Community Councils are responsible to participate in the development and implementation of each school's Professional Development Plan.

1. Each school will be allocated an annual Professional Development Budget from district funds. Educators wishing to use these funds for professional development activities should submit a written request to the principal for review. If the activities are in harmony with the school's Professional Development Plan, and adequate money is available in the budget, the principal will forward the request to the district office for final approval.
2. Other professional leave must be funded through a specific school budget, district department budget or state or federal grant. Prior approval from the principal or immediate supervisor must be obtained.
3. Teachers wishing to attend workshops, conventions, or other educational experiences on their own may, with prior approval from their principal, use their accumulated personal leave for such purposes.
4. Millard School District maintains an annual budget for out-of-state travel. Any out-of state travel for professional development shall be incorporated in the School Professional Development Plan and then submitted to the Board of Education for final approval. Requests will be granted based upon established procedures and available funding.

N. Emergency Response Personnel

Employees of Millard School District serving as Emergency Response Personnel (ambulance, fire, search and rescue, etc.) may be asked to be "on call" during regular scheduled work hours. If employees are called out of work for service as Emergency Response Personnel during regular work hours, they may select one or a combination of the following:

Loss of Salary;
Use of vacation time or personal leave for time missed;
Make up time missed by working extra hours if approved by their
immediate supervisor;
Use of sick leave will not be allowed.

REFERENCES:

Uniformed Services Employment and Reemployment Rights Act (USERRA)

Public Law No. 103-353, 108 Stat. 3149

Family and Medical Leave Act – 1993

FRDoc. 93-1302B File 6-3-93

Millard School District Classified Negotiated Agreements – 1982-2016

Millard School District Professional Negotiated Agreements – 1975-2016

Utah Code Annotated 53A-8-104

Attachment A

**YOUR RIGHTS
Under the
FAMILY AND MEDICAL LEAVE ACT OF 1993**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

Reasons for Taking Leave: Unpaid leave must be granted for any of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition;
- Or for a serious health condition that makes the employee unable to perform the employee’s job.

At the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave.

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable.”
- All employers may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan”.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other, employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Unlawful Acts by Employers: FMLA makes it unlawful for any employer to:

- Interfere with , restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

For Additional Information:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor