

SUPPORT STAFF LEAVES

Consistent staffing is important to the learning environment and district operation and therefore is an essential duty of all employees. However, the Board recognizes that there are circumstances that require an employee to miss work, and the purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate.

The district may require an employee to provide the district verification of illness from a healthcare provider or supply other documentation verifying the absence before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

The following leaves with pay will be provided to full-time support staff employees. Regular part-time support staff employees will receive these leaves on a pro rata basis. This policy does not apply to temporary or substitute staff members unless otherwise noted.

1. **Sick Leave** - Any support staff employees whose assignments call for 12 months of full-time employment will be entitled to 10 days of sick leave. Support staff employees whose assignments call for full-time employment only during the regular school term will be entitled to six (6) days of sick leave. Unused sick leave will be cumulative to 50 sick leave days.
 - Non-certificated employees do not receive any portion of their accumulated sick leave when they leave the district or retire.
 - Non-certificated employees do not participate in the sick leave bank.
 - For bus drivers, cafeteria workers, teacher and clerical aides, only six (6) days of sick leave are granted each year, and sick leave is cumulative only to 40 days.

Absences may be charged against sick leave for the following reasons:

- a. Illness, injury or incapacity of the employee. The Board reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. The FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury or incapacity of a member of the immediate family. The Board defines "immediate family" to include:

The employee's spouse.

The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, siblings and any other family member residing with the employee.

Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)

- c. Illness, injury or incapacity of other relatives, with permission granted by the superintendent.
- d. Pregnancy, childbirth and adoption leave in accordance with this policy.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

A district employee may not use sick leave during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Any support staff employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

- 2. **Personal Leave** - A maximum of four (4) days of personal leave will be available per school year. Unused personal leave days will accumulate as sick leave days under the sick leave guidelines.

Absences may be charged against personal leave for the following reasons:

- a. Tax investigation.
- b. Court appearances, unless applicable law or policy provides for paid leave.

- c. Wedding, graduation or funeral.
- d. Observance of a religious holiday.
- e. Conducting personal business of such a nature that it cannot be performed on Saturday, Sunday or before or after school hours, including parent-teacher conferences.
- f. Absences under leaves authorized by law, policy or the Board that would otherwise be unpaid including, but not limited to, leave under the FMLA.
- g. Leave connected with duty as a volunteer firefighter, member of Missouri Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or activation by the Federal Emergency Management Agency (FEMA) in times of national disaster.
- h. Leave for other purposes as approved by the principal.

Whenever possible, it is expected that requests for leave will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. The administrator will respond promptly to the employee's written request. The following stipulations will pertain to personal days:

- a. No personal days will be allowed the day before or after a holiday or school break.
- b. No personal days will be allowed during the first five (5) and last five (5) days of the school year.

A district employee may request a waiver to use a personal day that may occur during the times outlined in the above stipulations (a) and (b). The waiver must be submitted in writing no less than 3 days in advance of the time leave is requested. The written request must be made to the superintendent of schools, who will have the final determination if the request is approved.

- 3. **Vacation** - All support staff employed on a 12-month basis will receive vacation per year. An employee must submit a written request for vacation to his or her supervisor and receive written authorization before taking vacation days. If the employee's absence

may disrupt district operations, the supervisor has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

The following schedule for vacation time applies. July 1 will be used as the determination date for service completed.

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|-----------------------|-------------------------------------|
| 3 months or less | No vacation |
| 3 months – 11 months | Prorated portion of 1 week annually |
| 11 months – 12 months | 1 week |
| 1 year – 10 years | 2 weeks annually |
| Over 10 years | 3 weeks annually |

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

4. **Bereavement Leave** - When a death occurs in an employee's immediate family, the employee may take up to five (5) sick or personal days off with pay to attend the funeral or make funeral arrangements. The district may require verification of the need for the leave. The Board defines "immediate family" to include:

The employee's spouse.

The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, siblings and any other family member residing with the employee.

Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

Death of other relatives, with permission granted by the Superintendent

Unless otherwise provided, the following leaves will be provided to full-time and part-time support staff employees.

1. **Holidays** - The school calendar, as adopted by the Board, establishes the school recess periods and holidays for support staff members employed on a school-year basis. The official school holidays for twelve-month employees are as follows: New Years Eve, New Years Day, Friday of Spring Break, Memorial Day, July 4th, Labor Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Eve, and Christmas Day. If school is in session due to make-up days on one of the above holidays, another day will be substituted.

2. **Professional Leave** - Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the immediate supervisor, arranged well in advance and is not considered personal leave.
3. **Military Leave** - The Board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 - September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
4. **Election Leave** - Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
5. **Leave to Vote** - Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to Election Day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.
6. **Jury Duty Leave** - An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
7. **Leave for Court Subpoena** - If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave** - Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes

members of Missouri1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by FEMA in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.

9. **Crime Victim Leave** - Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.
10. **Civil Air Patrol Leave** - Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee

must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall only apply up to six (6) weeks of accrued paid leave to such absences.

Employees who are ineligible for FMLA leave may take up to six weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued sick leave, personal leave, vacation leave or unpaid leave.

Pregnant employees who need more than six (6) weeks of paid or unpaid leave for a pregnancy-related incapacity must provide certification of the medical necessity for such leave.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: December 15, 1994

Revised: December 21, 1995/February 20, 1997/September 24, 1998/March 18, 1999/ May 16, 2000/May 16, 2001/October 18, 2001/July 17, 2003/December 17, 2003/ February 16, 2005/May 15, 2008/March 19, 2009/March 15, 2012/March 26, 2013/May 21, 2015/ June 21, 2018

Cross Refs: DLB, Salary Deductions
HA, Negotiations with Employee Representatives
HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: " 41.1000, .1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 320.200, .330 - .339, 494.460, 595.036, .209, RSMo.
Fair Labor Standards Act, 29 U.S.C. " 201 – 218(c)

FILE: GDBDA
Critical

Family and Medical Leave Act of 1993, 29 U.S.C. " 2611 - 2619
Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. ' 2000-1 – 2000e-17
29 C.F.R. ' 1604.10

Strafford R-VI School District, Strafford, Missouri