

ARTICLE 17 LEAVES

Section 1 – Definition: Leave of Absence of Non-instructional Personnel.

A leave of absence constitutes permission granted by the Board or by the District policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave.

Section 2 – General Provisions.

- A. Any absence of a non-instructional staff member from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance and shall be used for the purposes set forth in the leave application. Any request for leave to be granted retroactively shall be denied. Leave for sickness or other emergencies shall be granted in advance if prompt report is made to the proper authority. No leave, except military leave, and maternity/parental leave, shall be granted for a period in excess of one (1) year or any period of time beyond the current contractual period. Leave may be with or without pay as provided by Florida Statutes, State Board of Education Rules, and Board Rules. For any absence that is without pay, the deduction for each day of absence shall be determined by dividing the annual salary by the number of required service days.
- B. An employee on maternity/parental or military leave shall return to the position in which he left unless conditions are otherwise set forth on the leave request form.
- C. A leave application shall be filed in writing and in advance on the form prescribed by the Board and shall be directed to the Board. The application shall be submitted by the employee to his immediate administrative supervisor for approval.
- D. Leave shall be used for the purpose(s) set forth on the leave application. If the leave conditions change, the employee shall file an amendment to the application to meet the new conditions(s). If the Board approves the amendment to the leave, the new condition(s) shall apply and the leave shall remain in effect.
- E. An employee who violates the terms of the leave application shall have the leave terminated and shall be subject to termination of his employment.
- F. Any employee who files a false leave application shall forfeit all compensation during the time of his absence and shall be subject to dismissal from employment by the School Board.
- G. Leave shall be scheduled to cause a minimum disruption of the school program.
- H. Non-instructional staff members who expect to be absent from duty for any cause shall notify his administrative supervisor or designee at the earliest possible time.

Notice of absence shall always be in advance of the absence unless conditions beyond the control of the employee deem it impossible.

I. In an extreme emergency, the immediate administrative supervisor may authorize the absence of an employee with or without pay for a period not to exceed two (2) days each school fiscal year. Such leave shall be reported immediately to the Superintendent.

J. Any non-instructional staff member who is willfully absent from duty without leave shall forfeit compensation for the time of the absence and shall be subject to dismissal from employment by the Board.

Section 3 – Illness-In-Line-of-Duty Leave for Non-instructional Personnel.

A. A non-instructional staff member shall be entitled to a maximum of ten (10) days of illness-in-line-of-duty leave each school fiscal year except as specified in item B below. This leave shall be used when he is unable to perform duties because of personal injury in the discharge of duties or from a contagious or infectious disease contracted in his work. Such leave shall be noncumulative from year to year and when approved by the Superintendent or designee shall be used before charging any absence to regular accrued sick leave. The following conditions shall be met.

The immediate administrative supervisor or Superintendent shall be notified as soon as the illness or injury occurs in accordance with directives from the Bureau of Worker's Compensation and the District.

1. For the period in which the illness or injury occurred, the employee shall file a written claim signed by the principal or the immediate administrative supervisor for attachment to the payroll report.
2. In case of injury, a certificate from a physician licensed by the state of Florida shall be required. For a claim relating to a contagious or infectious disease, the employee shall file a statement from a licensed physician certifying that beyond a reasonable doubt the contagious or infectious disease was contracted while the employee was actually engaged in the performance of his duties.
3. After determining that the claim is valid and factual, the Board shall approve the leave.
4. Any worker's compensation payment shall be in accordance with the Policy 4430.05 entitled "Illness-Or-Injury-In-Line-Of-Duty Leave."

B. Any person who is granted leave as provided herein and who has used the ten (10) days as provided by Florida Statutes, may be granted

additional leave by action of the Board as hereinafter prescribed. The employee shall:

1. File a certificate signed by a licensed physician designated by the Board, stating that the employee is unable to return to duty because of the injury or illness for which the initial leave was granted;
2. Agree to file a medical report at such intervals as the Superintendent may direct to show that the employee is unable to perform his duties;
3. Not engage in any type of work for which he will receive remuneration; and,
4. Be allowed additional illness-in-line-of-duty leave as determined by the Board, provided that the person is under employment during the time of such leave and compensation and requirements are met.

Section 4 – Jury or Witness Duty.

A non-instructional staff member who is under subpoena for jury duty, is under subpoena as a witness in connection with his official duties, or is in court action in which he is not a party of the litigation during the time he is engaged in regular duties, shall upon application be assigned line-of-duty/temporary duty elsewhere leave. If the application is approved, he shall receive his regular salary. All applications under this rule shall be endorsed by the non-instructional staff member's administrative supervisor and submitted to the Superintendent for approval or disapproval.

Section 5 – Maternity/Parental Leave.

- A. A full-time non-instructional employee who is an expectant mother at the beginning of the school year or who becomes pregnant during the school year shall be granted maternity/parental leave as provided herein. When the employee determines that she is pregnant and wishes to take parental maternity leave, she may file with the Superintendent a written application for leave with an attached statement from the attending physician stating the expected date of birth of the child. If possible, the effective date for the suspension of services shall be mutually agreed to by the employee and her immediate administrative supervisor. Such decisions shall be based on, but not limited to, physical condition, effectiveness in performing her assigned duties, availability of a satisfactory replacement, term of service required for credit for a year of service and the recommendations of the attending physician. The immediate administrative supervisor shall determine and inform the employee as to the number of days or hours of service required for her to receive credit for a year of service for salary purposes during the school year. When a mutually acceptable date for the initiation and termination of leave cannot be achieved, the leave for a non-instructional staff member shall commence on a date determined by the

employee in consultation with her physician and shall terminate upon certification of the physician that she is physically capable of performing assigned duties.

- B. Maternity/Parental leave may be granted for the balance of the school year in which the baby is born or adopted and one (1) succeeding school year subject to reapplication of leave pursuant to Board Rules. A non-instructional staff member on maternity/parental leave may substitute in the District during such leave.
- C. Any non-instructional employee on maternity/parental leave for the remainder of a school year or for the entire school year, who, on expiration of leave, wishes to return to duty at the beginning of the next school year, shall notify the Superintendent in writing by no later than April 1.

Section 6 – Military Leave of Non-instructional Personnel.

- A. Military leave shall be granted to employees who are members of the armed services and its reserve components in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- B. An employee granted military leave for active duty shall, be returned to employment in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- C. Compensation allowed during military leave shall not exceed two hundred-forty (240) hours as provided in Section 115.07, Florida Statutes.
- D. An employee who enters active military service shall be governed by the provisions of Sections 115.09, 115.14, 121.111, and 250.341, Florida Statutes, for military leave.

Section 7 – Sick Leave for Non-instructional Personnel.

- A. Any non-instructional staff member employed on a full-time basis shall be credited with four (4) days of sick leave at the end of the first month of employment of each contract year. Thereafter, non-instructional personnel shall accrue one (1) day of sick leave credit at the end of each month of employment. However, each non-instructional staff member shall be entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment. Sick leave shall not be used prior to the time it is earned and credited to the employee. Such leave is cumulative from year to year without a limit on the number of days that may be accrued. Such leave shall be taken only when the person is unable to perform his duty because of personal illness, temporary physical disability, or illness or death of father, mother, sister, brother, husband, wife, child, or other close relative or member of his household. Any leave charged against accrued sick leave shall be with full compensation.

- B. Claim for sick leave shall be filed through the immediate administrative supervisor to the Superintendent after the employee returns to duty. The claim shall be in writing and shall set forth the days absent. It shall be duly signed by the claimant certifying that the facts are true and correct and that the claim is valid and legal. The Superintendent may require a certificate of illness from a physician licensed by the state of Florida or from the County Health Officer. No employee shall receive compensation for work until such requirement has been met. A false claim for sick leave shall be deemed grounds for termination of the employee.
- C. A non-instructional staff member who has used all accrued sick leave, but who is otherwise entitled to sick leave shall be granted sick leave without pay. The claim for such sick leave shall clearly state the leave is without compensation. An application for sick leave due to extended illness shall have attached a statement from a physician, licensed by the state of Florida, certifying that such leave is essential and indicating the probable duration of the illness and the needed leave.
- D. All unused, accumulated sick leave accrued by any non-instructional personnel in other Florida school districts or state educational agency shall be accepted by this District upon employment. The transferred sick leave that is credited to an employee's account shall not exceed the amount or rate earned during employment in the District. It is the employee's responsibility to contact other school district(s) or agency(ies) to request a transfer of sick leave.
- E. Previous accrued sick leave shall become valid on the first day of contractual service if a non-instructional staff member employed in the District interrupts service and subsequently returns to duty in the District without having transferred and used his accrued sick leave credit in another Florida school district. When a non-instructional staff member retires and receives terminal pay benefits based on unused sick leave all unused sick leave credit shall become invalid.
- F. Any non-instructional staff member who is applying for maternity/parental leave has the option of charging all or part of the days against his accrued sick leave.
- G. Employees who work more than one hundred and ninety six (196) days a school fiscal year shall earn one (1) day of sick leave for each twenty (20) days of employment. Those working less than twenty (20) days beyond the one hundred ninety six (196) days shall earn one (1) day of sick leave if employed for a minimum of thirteen (13) days.
- H. A classified employee, normally employed for ten (10) months, who works a minimum of twenty (20) days during the summer school program will accrue one (1) day of sick leave. A ten (10) month classified employee who works in the

summer school program for the six (6) week term shall accrue one (1) day of sick leave.

- I. These conditions shall apply to sick leave accrual.
 1. Employment prior to the sixteenth (16th) of any month shall permit the month to be counted as a full month of employment.
 2. Termination of employment after the fifteenth (15th) of any month shall permit the month to be counted as a full month of employment.
 3. An employee shall be ineligible for sick leave accrual when he has taken more than eleven (11) workdays of leave without pay during a month unless he is on leave from illness-in-line-of-duty.
 4. An employee who resigns before completing a full month of employment shall be ineligible for sick leave.
 5. An employee who is drawing from the Sick Leave Bank as provided herein shall not accrue sick leave.

Section 8 – Sick Leave Bank.

Any usage of the Sick Leave Bank shall be governed by Policy 4420.

The SEIU will be represented on the Sick Leave Bank joint policy committee for the purpose of providing input into the Sick Leave Bank policy. The joint policy committee will be created pursuant to Article 9 – Joint Committees.

Section 9 – Personal Leave of Non-instructional Personnel.

- A. Personal Leave - Non-instructional staff members shall be granted six (6) days of personal leave with compensation each school fiscal year for personal reasons. Personal leave shall be charged against accrued sick leave and shall not be cumulative from year to year. Except for emergency or unforeseen situations, personal leave requests shall be given to the immediate administrative supervisor at least three (3) days in advance of the date that the employee desires to be absent from his duties. Requests submitted after the notice period may be denied if adequate arrangements for coverage of the employee's duties cannot be accomplished. Employees may not take more than three (3) consecutive days of personal leave, without prior approval of the Superintendent or designee.
- B. Personal Leave for Other Reasons - The Superintendent is authorized to approve personal leave without pay for non-instructional staff members for a

period not to exceed ten (10) days of any school fiscal year. Any leave in excess of ten (10) consecutive days shall be approved by the School Board. Such request shall be considered on an individual basis and the Board's decision shall take into consideration the best interest of the employee and the general welfare of the District School System.

- C. Leave for Political Campaigning - A non-instructional staff member who files for election to a political office shall submit a leave application when he desires personal leave for political reasons. The Board may grant a maximum of thirty (30) days of personal leave without compensation for political campaigning.
- D. Extended Personal Leave - Non-instructional staff members who have three (3) or more years of continuous service in the District may be granted one (1) year of leave for personal reasons as specified on the leave application; however, reemployment is not guaranteed. Consecutive leaves of absence for personal reasons shall not be granted by the Board.

Section 10 – Vacation Leave of Non-instructional Personnel.

- A. Non-instructional staff members who are employed on a minimum 240-day contract, may accrue vacation leave, exclusive of holidays, with compensation as follows:
 - 1. One (1) day per month cumulative to twelve (12) days per year for less than five (5) years of continuous service in the District.
 - 2. One and one-quarter (1 1/4) days per month cumulative to fifteen (15) days per year for five (5) years or more of continuous service in the District.
 - 3. One and one-half (1 1/2) days per month cumulative to eighteen (18) days per year for ten (10) years or more of continuous service in the District.

The term "continuous" as used in Subsection (1) herein means an employee who has rendered uninterrupted service to the Board in a twelve (12) month position or job. Provided, however, individuals who previously rendered full-time continuous service in a ten (10) or eleven (11) month contractual position shall be considered as having continuous service when determining creditable service for vacation leave.

- B. Vacation leave shall accrue at the close of each month and shall not exceed thirty (30) working days as of January 3 of each year; any days in excess of the thirty (30) days shall be forfeited as of January 3 of each year.
- C. Vacation leave may be granted upon the written application of the employee and with the prior approval of the employee's immediate administrative supervisor. Vacation leave shall be scheduled for minimum disruption of the school program.

- D. Vacation leave may be granted the first month after accrual.
- E. Accrued vacation leave may be used in lieu of other types of leave with the immediate administrative supervisor's approval.
- F. These conditions shall apply to vacation leave accrual.
 - 1. Employment prior to the sixteenth (16th) of any month shall permit the month to be counted as a full month of employment.
 - 2. Termination of employment after the fifteenth (15th) of any month shall permit the month to be counted as a full month of employment.
 - 3. An employee shall be ineligible for vacation leave accrual when he has taken more than eleven (11) workdays of leave without pay during a month unless he is on leave from illness-in-line-of-duty.
 - 4. An employee who resigns before completing a full month of employment shall be ineligible for vacation leave.
 - 5. An employee who is drawing from the Sick Leave Bank as provided herein shall not accrue vacation leave.
- G. Any non-instructional staff member who transfers from a twelve (12) month position to less than a twelve (12) month position in the District or terminates employment shall receive pay for vacation leave credited to him at the time of transfer or termination provided he has been employed for twelve (12) months.

Section 11 – Approval of Leave for Non-instructional Personnel.

- A. All requests for leave shall be submitted on the proper District form and shall be approved in accordance with these procedures. Any leave for an extended period of time or that is not explicitly covered herein shall be submitted to the Board for its consideration.
 - 1. The following types of leave require the Board's approval:
 - a. Extended sick leave in excess of ten (10) consecutive unpaid days;
 - b. Maternity/Parental Leave;
 - c. Military leave in excess of two hundred-forty (240) hours;
 - d. Unpaid personal leave in excess of ten (10) consecutive days;

- e. Illness-in-the-line-of-duty leave in excess of ten (10) days; and,
 - f. Leave to seek political office;
 - g. Any compensated leave in excess of ten (10) consecutive days;
 - h. Family and Medical Leave.
2. The Superintendent or designee is authorized to grant the following types of leave or duty assignment:
- a. Sick leave or unpaid sick leave not to exceed ten (10) days;
 - b. Personal leave chargeable to sick leave;
 - c. Unpaid personal leave not to exceed ten (10) consecutive days;
 - d. Vacation leave;
 - e. Jury duty assignment;
 - f. Military leave not to exceed two hundred-forty (240) hours;
 - g. Witness duty absence; **and**,
 - h. Line-of-duty/temporary duty elsewhere leave; and
 - i. **Bereavement Leave.**

Section 12 – Family and Medical Leave.

- A. The Board will provide Family and Medical Leave to qualified employees pursuant to the provisions of The Family and Medical Leave Act (FMLA of 1993). The rules listed below generally outline the procedures for carrying out said leaves. The rule authorizes the Superintendent to create and carry out all procedures necessary to implement this policy and The Family and Medical Leave Act of 1993.

RULES: Federal Regulations, Part 825 of the Code of Federal Regulations, Title 29, US Department of Labor, Employment Standards Administration, Wage and Hour Division.

1. A leave of absence under this policy shall be granted for a total of no more than twelve (12) weeks during any school year (July - June) for one (1) of the following reasons:

Family Leave:

- a. Birth of a son or daughter of the employee and in order to care for such son or daughter.
- b. Placement of a son or daughter with the employee for adoption or foster care.

Medical Leave:

- c. Care for a spouse, or a son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition.
 - d. A serious health condition that makes the employee unable to perform the functions of the position of such employee.
2. For purposes of this policy, an “eligible employee” means an employee who has been employed (F.R. 825.110):
 - a. For at least twelve (12) months by the Board; and
 - b. For at least 1,250 hours of service with the Board during the previous twelve (12) month period immediately preceding the start of the leave.
 3. A husband and wife who are employed by the Board are permitted to take only a combined total of twelve (12) workweeks if the leave is taken for the following circumstances: (1) for birth of a son or daughter or to care for the child after birth; (2) for placement of a son or daughter for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent ‘in-law’) with a serious health condition (F.R. 825.202).
 4. For the duration of FMLA leave, the Board shall maintain the employee’s group health coverage. Employees who pay a portion of their premium and who pay for dependent insurance and other types of Board offered insurance coverage must make arrangements before going on leave to make direct premium payments during a period of unpaid FMLA. If the employee fails to return to work after the expiration of the leave, or an extension of leave for the same or related purpose, the employee will be required to reimburse the Board for payment of health insurance premiums during the family or medical leave, unless the reason the employee fails to return is the presence of a serious health condition that prevents the employee from performing his job or circumstances beyond the employee’s control (F.R. 825.213).

5. Employees who wish to take Family Leave as outlined in rule number one above, subsections (a) and (b), must ordinarily provide the employer with not less than thirty (30) calendar days written notice, if foreseeable, before the date the leave is to begin; if the date of the birth or placement of a child requires leave to begin in less than thirty (30) calendar days, the employee shall provide such notice as is practicable (F.R. 825.100; 825.302).
6. Employees who wish to take Medical Leave as outlined in rule number one above, subsections (c) and (d), should consult with employers when giving notice and make reasonable efforts to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the health care provider (F.R. 825.302; 825.303).
7. Family leave as outlined in rule number one above, subsections (c) and (d) may be taken intermittently when medically necessary. Under such circumstances, the employee must try to schedule the leave so as not to unduly disrupt the employer's operations. Also, the Superintendent may temporarily place the employee in an alternative position that better accommodates intermittent leave (F.R. 825.203; 825.204).
8. If an employee requests FMLA is requested, the employee the Board may require employees has the option to use his accrued paid vacation leave, paid sick leave, paid personal leave, sick leave bank, if eligible, or unpaid leave or any combination concurrently with the employee's FMLA leave prior to the utilization of the Family and/or Medical Leave.
9. The Board shall require a medical certification from eligible employees who request Family Medical Leave under the FMLA. Employees must provide such certification in a timely manner (F.R. 825.305).
10. Upon return from FMLA, the affected employee shall be returned to the position held at the commencement of the leave, if such position exists, or to a position of similar status. This shall be done in accordance with the established Board policies, practices and collective bargaining agreement.
11. The employee is not eligible to collect unemployment compensation or worker's compensation while on Family or Medical Leave.
12. The Board authorizes the Superintendent to develop and implement procedures to carry out this policy, to carry out the FMLA and to carry out the applicable US Department of Labor Regulations.

Section 13 – Line-of-Duty/Temporary Duty Elsewhere Leave.

- A. A non-instructional staff member may be assigned temporarily to duties other than his regular duties and place of employment to perform educational services such as participation in school surveys, professional meetings, study courses, workshops and other similar assignments. Assignment to temporary duty shall originate generally from the Superintendent or the employee's immediate administrative supervisor and shall be considered equal to the regular duties of the employee. All off-campus activities that are school-sponsored and require student supervision shall require line-of-duty leave.
- B. All requests for assignment to temporary duty shall be approved in advance by the Superintendent or the employee's immediate administrative supervisor except under emergency conditions. The employee shall receive his regular salary and may be provided expenses as specified by Florida Statutes and Board Rules.

Section 14 – Bereavement Leave

- A. Full-time employees may apply for up to two (2) days of paid bereavement leave in the event of a death in his/her immediate family in order to attend to related issues.
- B. For the purpose of this designated leave immediate family is defined as a father, mother, brother, sister, husband, wife, child, or member of one's own household.
- C. Bereavement leave must be used within (30) thirty days following the death of his/her immediate family member. An employee may apply for a maximum of two (2) days of bereavement leave per fiscal year.
- D. Bereavement is not accumulative.
- E. Employees will not be paid for days not scheduled to work.
- F. Employees are required to provide a copy of the obituary or other satisfactory document to accompany the leave request for approval.

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For the Board

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For SEIU