

**Absences, Leave and Vacation**

**Personnel Leave**

**PROFESSIONAL STAFF SHORT-TERM LEAVES AND ABSENCES**

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. When a professional staff member is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations deteriorate, and the students suffer.

Professional staff employees may be terminated for excessive absences or tardiness. Unless authorized by the Board or the superintendent or otherwise authorized by law, an employee's absence or tardiness is considered excessive if it:

1. Is for a reason not granted as paid or protected leave under Board policy.
2. Exceeds the number of days allotted by the Board for that particular leave.
3. Is for a reason authorized by Board policy but exceeds five (5) days a month, 20 days in a semester or 40 days per school year.

Even if the absence or tardiness is authorized by the Board or the superintendent, if the absence or tardiness occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, the employee's salary will be docked.

No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA) or other applicable law.

The district may require an employee to provide the district a doctor's note or other verification of illness before the district applies sick leave or other applicable paid leave to the absence. 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 professional staff employees. Part-time professional staff employees will receive these leaves on a pro rata basis:

1. **Personal** – Professional staff employees whose assignments call for 12 months of full-time employment will be entitled to 12 days of personal leave. Professional staff employees whose assignments call for full-time employment only during the regular school term will be entitled to 12 days of personal leave. Unused personal leave will be

cumulative to 60 personal leave days. An absence of over one (1) through four (4) hours shall be counted as a half-day of personal leave.

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

- a. Illness, injury or incapacity of the employee. The Board reserves the right to require a physician's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid personal leave.
- b. Illness, injury or incapacity of a member of the immediate family. The Board defines "immediate family" to include spouse, parents, children, children's spouses, grandparents, grandchildren and siblings of an employee or employee's spouse, and any other family member residing with the employee. (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.
- e. Tax investigation.
- f. Court appearances, unless applicable law requires no leave be charged to the employee.
- g. Wedding, graduation or funeral.
- h. Observance of a religious holiday.
- i. Conducting personal business of such a nature that it cannot be performed on a Saturday, Sunday or before or after school hours, including parent-teacher conferences.
- j. Leave under the FMLA.
- k. Leave connected with duty as a volunteer firefighter, member of Missouri-1 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.

1. 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. **Personal leave days are not to be taken on a school day immediately prior to or after a planned vacation period or during the first or last week of the school term.**

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 personal leave during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Any certificated 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.

At the close of each school year, all certificated employees in a teaching position will have the following options:

- a. Transfer all unused personal leave days to the following school year, thus adding to the accumulative total; or
- b. Receive pay for all or part of any unused personal leave days that were accrued during the most recently completed school year at one-half of the prevailing substitute teachers' pay rate. Only full days of unused personal leave may be designated for payment.

During the last two weeks of school, employees will be issued a form to fill out designating their preference as to the payment or transfer of any remaining personal leave days. Unused personal leave days may be split between payment or transfer as the individual deems appropriate; however, no employee will be paid for more than the 14 days accrued during the most recent school year.

Payment for unused personal leave days for all certificated staff upon retirement will be at one-half the substitute teachers' pay rate up to a maximum accumulation of 74 days.

2. **Vacation** – All professional staff employed on a 12-month basis will receive ten (10) days of vacation per year. An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

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

3. **Bereavement Leave** – When a death occurs in an employee's immediate family, employees may take up to three (3) 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 spouse, parents, children, children's spouses, grandparents, grandchildren and siblings of an employee or employee's spouse, and any other family member residing with the employee. After the exhaustion of the three (3) days of bereavement leave, the employee may use personal leave.

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

1. **Holidays** – New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.
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 superintendent or designee, arranged well in advance and is not considered personal leave.
3. **Military Leave** – The Board shall grant military leave as required by law.
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 (7) 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 (3) successive hours free from work while the polls are open will be granted a leave period of up to three (3) hours to permit the employees three (3) 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 Missouri-1 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.

### **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

Board approved 4/20/2017

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 (6) 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**

## **SUPPORT STAFF LEAVES AND ABSENCES**

Consistent staffing is important to the learning environment and district operation and therefore is an essential duty of all employees. When an employee is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations deteriorate, and the students suffer.

Employees may be terminated for excessive absences or tardiness. Unless authorized by the Board or superintendent, or otherwise authorized by law, an employee's absence or tardiness is considered excessive if it:

1. Is for a reason not granted as paid or protected leave under Board policy.
2. Exceeds the number of days allotted by the Board for that particular leave.
3. Is for a reason authorized by Board policy but exceeds five (5) days a month, 20 days in a semester or 40 days per school year.

The employee's salary will be docked if the absence or tardiness occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, even if the absence or tardiness is authorized by the Board or the superintendent.

No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA) or other applicable law.

The district may require an employee to provide the district a doctor's note or other verification of illness before the district applies personal leave or other applicable paid leave to the absence. 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. Part-time support staff employees will receive these leaves on a pro rata basis:

1. **Personal Leave** – Any support staff employees whose assignments call for 11 months of full-time employment will be entitled to 12 days of personal leave. Support staff employees whose assignments call for full-time employment only during the regular school term will be entitled to 9 days of personal leave. Unused personal leave will be cumulative to 30 personal leave days. An absence of over one (1) through four (4) hours shall be counted as a half-day of personal leave.

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

- a. Illness, injury or incapacity of the employee. The Board reserves the right to require a physician'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 personal leave.
- b. Illness, injury or incapacity of a member of the immediate family. The Board defines "immediate family" to include spouse, parents, children, children's spouses, grandparents, grandchildren and siblings of an employee or employee's spouse, and any other family member residing with the employee. (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.
- e. Tax investigation.
- f. Court appearances, unless applicable law requires no leave be charged to the employee.
- g. Wedding, graduation or funeral.
- h. Observance of a religious holiday.
- i. 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.
- j. Leave under the FMLA.
- k. Leave connected with duty as a volunteer firefighter, member of Missouri-1 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.
- l. 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.

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 personal 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 personal 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.

At the close of each school year, all support staff will have the following options:

- a. Transfer all unused personal leave days to the following school year, thus adding to the accumulative total; or
- b. Receive pay for all or part of any unused personal leave days that were accrued during the most recently completed school year at one-half of the prevailing substitute teachers' pay rate. Only full days of unused personal leave may be designated for payment.

During the last two weeks of school, employees will be issued a form to fill out designating their preference as to the payment or transfer of any remaining personal leave days. Unused personal leave days may be split between payment or transfer as the individual deems appropriate; however, no employee will be paid for more than the 10 or 12 days accrued during the most recent school year, depending on the number of months employed per year.

Payment for unused personal leave days for all support staff upon retirement will be at one-half the substitute teachers' pay rate up to a maximum accumulation of 30 days.

2. **Vacation** – All support staff employed on a 11-month basis will receive ten (10) days of 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.

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

3. **Bereavement Leave** – When a death occurs in an employee's immediate family, employees may take up to three (3) 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 spouse, parents, children, children's spouses, grandparents, grandchildren and siblings of an employee or employee's spouse, and any other family member residing with the employee. After the exhaustion of the three (3) days of bereavement leave, the employee may use personal leave.

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

1. **Holidays** – New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

In addition, each employee may choose four (4) additional holidays from the following eight (8) days:

- The day before Thanksgiving.
- The day after Thanksgiving.
- The day before Christmas.
- The day after Christmas.
- The day before New Year's Day.
- The day after New Year's Day.
- The day before the Fourth of July.
- The day after the Fourth of July.

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.

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 (7) 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 (3) successive hours free from work while the polls are open will be granted a leave period of up to three (3) hours to permit employees three (3) 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 Missouri-1 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.

### **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 (6) 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.