

**GARH Attendance, Absences, Leaves, Vacations**

Employee attendance is critical to the district’s goals and objectives. (See ABE, BA). Employees are expected to report to work each duty day on time as assigned by the superintendent or his/her designee. (See GACE). The board recognizes that employees may need time off from work on occasion and provides the following types of leave for **eligible** employees for those circumstances where an employee may be absent from work: (1) Disability Leave; (2) Personal Leave; (3) Bereavement Leave; (4) Emergency Leave; (5) Professional Leave; and (6) Vacation Leave. (See also GAHB). Employees may also take leave as required by law – ie. Legal Leave, Military Leave, Workers’ Compensation, Family and Medical Leave and Overtime Compensation. (See GARIF, GARID, GAOE, GARI and GCA).

Employees are required to notify their immediate supervisor and Human Resources of any absence and all leave allowed by board policy must be authorized and approved. Upon request, an employee must provide documentation to support any leave request. Any employee falsely reporting the cause of any absence in any leave request will not be entitled to any pay for the falsely reported absence and will be subject to discipline up to and including termination. The final decision on eligibility for or approval of leave shall be left to the discretion of the superintendent or his/her designee.

**Unauthorized Absence**

An unauthorized absence is defined as any absence by an employee for reasons not authorized by law or board policy and without approval of the employee’s immediate supervisor or other administrative staff responsible for approval of leave. An unauthorized absence is grounds for discipline up to and including termination.

**Annual Allowance**

An employee must work over 30 hours per work week to be eligible for leave under board policy. The amount of leave provided to an employee in a fiscal year (July 1 – June 30) is calculated based upon the number of duty days in the employee’s primary assignment. Employees working additional supplemental duty days may be eligible for additional leave. Unless otherwise provided by Individual written employment contract or negotiated agreement, the following leave is allowed for eligible employees in a fiscal year:

<u>Duty Days</u>	<u>Disability</u>	<u>Personal</u>	<u>Bereavement</u>
205 or less	10 days	2 days	3 days (5 days if more than 400 miles away)
206-239	12 days	2 days	3 days (5 days if more than 400 miles away)
240 or more	14 days	2 days	3 days (5 days if more than 400 miles away)

Employees on the administrative salary schedule are eligible for up to three (3) personal days.

Employees working 261 duty days are additionally allowed 10 days of Vacation Leave each fiscal year.

Personal, Disability or Vacation Leave allowed for eligible employees who commence employment after December will be prorated as follows: 1 day Personal; 5, 6 or 7 days Disability; and 7 days Vacation.

Emergency and Professional Leave are allowed only on a case by case basis.

The term "day" as used herein is defined as a day on which the employee applying for leave would normally have reported for duty.

### **Initial Employment and Eligibility for Use**

Employees are provisionally credited with Disability and Personal Leave on July 1 or the employee's first duty day whichever occurs last. Employees commencing service during the year are provisionally credited with prorated Disability and Personal Leave. Disability Leave allowed shall be reduced by one (1) day for each preceding whole or major portion (50%) of a month not worked. Personal Leave allowed shall be reduced to one (1) day for employees commencing service after December.

New employees may not use Disability or Personal Leave until after the employee has been on duty for ten (10) consecutive days in the current year. This restriction does not apply to accumulated Disability Leave from prior years. On the first duty day of any given year, all unused accumulated Disability Leave shall be available for use.

### **(1) Disability Leave**

Disability Leave is allowed for employees to use for absences caused by personal sickness or injury of the employee, the employee's dependent child, or the employee's spouse or parent.

"Child" is defined, for purposes of this provision, to include a son or daughter 18 years of age or younger whether a biological, adopted, or foster child, a stepchild, a legal ward or a child to whom the employee stands in place of a parent as the child's primary caretaker. It also includes any child over the age of 18 who qualifies as a dependent on employee's federal or state income tax return or who is incapable of self-care because of a mental or physical disability at the time leave is requested.

"Parent" is defined, for purposes of this provision, to include the biological, adoptive, step or foster parent of an employee or an individual who stood in place of the employee's parent as the employee's primary caretaker when the employee was a minor. It does not include the employee's parent-in-law.

~~Disability Leave may be used in one-hour increments as approved by the immediate supervisor. Absence for one-half (1/2) day or less shall be charged against available leave as one-half (1/2) day. Absences for less than a day but more than one-half (1/2) shall be charged against available leave as one (1) day.~~

### **Documentation May Be Required**

Any employee requesting use of Disability Leave may be requested to provide documentation to support the request. This may include a statement from a licensed physician concerning the nature of the illness or disability and, in the case where leave is being requested to care for illness or injury to someone other than the employee, this may include proof of relationship or dependency of such individual.

Any employee absent more than five (5) consecutive days, due to the employee's illness or disability shall present a statement from a licensed physician indicating the nature of the illness or disability and verifying that the readiness of the employee to resume his/her duties. Employees may be requested to provide a statement from a licensed physician for absences less than five (5) days at the sole discretion of the **superintendent or his/her designee**. Any requested documentation shall be secured at the employee's expense.

### **Ineligibility for Disability Leave Due to Other Employment or KPERS**

No employee is eligible for Disability Leave during any time period that he/she is employed by or working for any other employer or is engaged in self-employment. No employee is eligible for Disability Leave during any time period that he/she is receiving long-term disability or retirement benefits under KPERS.

### **Disability Leave Use for Work-Related Injury Covered by Workers' Compensation**

#### **General Rule:**

Except as provided in the circumstances below, absence due to injury incurred while an employee is on duty shall not be charged against the employee's disability leave days if the employee is receiving temporary total or temporary partial workers' compensation benefits.

#### **Exceptions to the General Rule:**

**Restraint/Assault work re-related injuries.** An employee who is injured while physically restraining a student or who is injured as the victim of an assault while on duty shall receive, for the length of the disability or until June 30 of the current fiscal year, whichever is shorter, "Differential Pay" in an amount equal to the difference between the employee's regular wage and the amount of worker's compensation temporary total disability payments. In this situation, Differential Pay shall not be charged against the employee's disability leave.

**Employee Request.** Upon written request, an employee shall receive Differential Pay for the length of the absence from work resulting from a temporary

disability or until the end of the fiscal year (June 30), whichever is shorter, provided that the employee has unused Disability Leave days and the employee's Disability Leave is charged at not less than ~~0.5~~ **one-half** day increments for each day that Differential Pay is received.

**Extension period.** If at the end of the fiscal year (June 30), the employee remains absent from work as a result of a temporary disability and if the employee has unused disability leave days, the employee may make a written request to extend the payment of the period of Differential Pay under the preceding section. Additionally, employees who are on leave under the Restraint/Assault work related injuries section of this policy may seek an extension of such benefits by making a written request to Human Resources at least 10 days prior to the day employee is to report to work for the next school year.

### **Continued Employment Under Disability Leave and Return to Work**

Any employee on Disability Leave will be retained on the active payroll as an employee for such period of time as Disability Leave is available. Employee will not be provided additional Personal, Disability or Vacation Leave during the time he/she is on leave.

If an employee returns to work prior to exhausting his/her Disability Leave and is able to perform the essential functions of his/her job assignment, the employee will be returned to active employment in the same or similar duty assignment. Depending on the nature of the illness or injury and any resulting physical or mental restrictions, an examination of the employee by a licensed physician may be required prior to the employee's return to work.

### **Expiration of Disability Leave**

An employee who has exhausted his/her Disability Leave and is unable to return to work due to illness or injury may utilize any Personal or Vacation Leave. If the employee has exhausted all Disability, Personal and Vacation Leave and is still unable to perform the duties of his/her assigned position and return to work, the employee may request a leave of absence without pay. Any request for an unpaid leave of absence must be made in writing to the superintendent ~~of~~ **or** his/her designee at least 10 business days in advance of the exhaustion of the employee's Disability, Personal or Vacation Leave. Failure or inability of the employee to return to work upon expiration of his/her leave including any approved leave of absence shall terminate employment unless otherwise extended by operation of law.

### **Accumulation of Disability Leave**

Employees will accumulate Disability Leave during the fiscal year as follows:

<u>Duty Days</u>	<u>Disability</u>
205 or less	1 day 1 <sup>st</sup> of Month (August – May)
206-239	1 day 1 <sup>st</sup> of Month (July – June)

240 or more            1 day 1<sup>st</sup> of Month (July – June)  
1 additional day (August 1 and January 1)

Any unused disability leave shall be allowed to accumulate without limit.

~~A statement~~ Employee balances of accumulated disability leave will be ~~provided each employee on each payroll warrant available via the district leave reporting system.~~ Such statement The balances in the leave reporting system are informational only, and not made or given as a warranty of the number of days stated. Each employee shall be solely responsible for determining the accuracy of ~~the statement.~~ ~~their leave balance.~~ The board shall not be liable for errors, mistakes or failure to provide the statement.

### **Disability Leave Upon Separation from Employment**

Separation from employment shall automatically void all accumulated days of Disability Leave. If an employee separates from employment mid-year, his/her final salary payment will be reduced to account for any provisional Disability Leave taken. For example, if a 205 or less duty day employee separates from employment in October after taking 10 days Disability Leave and had no accumulated Disability Leave from prior year, the employee's final paycheck would be reduced by the 7 days of provisional Disability Leave taken. An employee who resigns in good standing from the District and then is reemployed may retain accumulated Disability Leave if he/she returns to work or is given a contract to return to work within twenty-four (24) months.

### **Credit Upon Retirement or Death**

This provision applies only to individuals employed by the District prior to July 31, 1996. Any individual initially employed by the district after July 31, 1996, shall not be eligible for credit or payment as described in this provision.

Upon retirement or death, an employee, or in the event of death the employee's estate, shall be eligible to receive a lump sum payment for accumulated unused Disability Leave based on the following formula:

Total accumulated unused Disability Leave (not to exceed the maximum accumulation of Disability Leave allowed) x .75 x the base daily salary rate for the salary scheduled class in which the employee is classified at the time of retirement or death.

The maximum number of accumulated unused disability leave days for which payment may be made in accord with the above formula shall be limited as follows:

185 – 205 days employment, 120 days allowed  
206 – 239 days employment, 132 days allowed;  
240 or more days employment, 144 days allowed.

Employees who resign from the District after completing thirty (30) years of service in the District or twenty (20) years of service in the district and are 55 years of age shall also be eligible to receive a lump sum payment for accumulated unused disability leave base on the above stated formula.

For any employee not paid on the basis of a salary schedule classification, the base rate for payment of accumulated leave time under this provision shall be calculated at 66% of the individual's salary rate at the time of retirement or death. Any payment under this provision to an employee's estate shall be made to the court appointed fiduciary (executor, administrator, or other designee) of the decedent's estate.

## **(2) Personal Leave**

Employees on the administrative salary schedule are eligible for up to three (3) personal days. Eligible employees are allowed up to two (2) days of Personal Leave per fiscal year. Eligible employees who begin their employment after December 2 will be allowed one (1) day for Personal Leave for their first year of employment.

Personal Leave is available to all eligible employees on their first duty day. However, Personal Leave must be requested in writing from and approved by the employee's immediate supervisor and Human Resources at least five (5) days prior to the date of the requested leave. A request for Personal Leave may be denied on any given day due to the number of other absences or the demands of the employee's job assignment. Personal Leave cannot be taken during the first eight (8) or the last eight (8) days of the employee's work year or on the first duty day preceding or following a holiday or non-working day or on any in-service day with the exception of the following circumstances:

1. To attend the high school graduation ceremony of an employee's child or stepchild;
2. To attend a college graduation ceremony of any employee, an employee's spouse, child or stepchild; or
3. To attend a military graduation ceremony or an overseas military deployment ceremony of an employee's spouse, child or stepchild.

Personal Leave shall not be used for seeking other employment, rendering services or working for another employer or themselves or for severe weather when school is in session.

Personal Leave does **not** accumulate. However, an employee's unused personal Leave allowance will be converted to Disability Leave at the end of the fiscal year (June 30). Separation from employment shall automatically void all unused Personal Leave.

**Personal Leave may be used in one-hour increments as approved in writing by the immediate supervisor.**

## **(3) Bereavement Leave**

Employees are allowed Bereavement Leave of up to three (3) days (or five (5) days if the distance is more than 400 miles, one way) per occurrence without deduction in pay for reasons of death in the Immediate Family.

“Immediate Family” is defined as the employee’s: spouse, children, parents, siblings, grandparents, grandchildren, aunts and uncles. “Immediate Family” also includes the parents, children, siblings, grandparents, grandchildren, aunts and uncles of employee’s spouse.

Application for Bereavement Leave must be made in writing to the employee’s immediate supervisor and Human Resources. Employee is required to provide documentation supporting an application for Bereavement Leave upon request.

#### **(4) Emergency Leave**

Employees may be allowed Emergency Leave only by approval of the superintendent or his/her designee for absences which are not a consequence of the choice or actions of the employee. Application for Emergency Leave must be made in writing and, whenever possible, prior to the absence. If the nature of the emergency does not allow for a written request prior to the absence, the employee shall file the proper form within three (3) work days of returning to work after the absence. In all cases where a prior written request is not made, the employee shall notify his/her immediate supervisor of the absence on or before the first day of the absence.

If approved, any **day time** taken as Emergency Leave **shall will** be deducted **first** from employee’s available **personal** Leave (**Personal Leave, or Vacation Leave, or Disability Leave**) **and second from the employee’s Disability Leave**. In the event the employee has exhausted his/her available Personal, Vacation and Disability Leave, any Emergency Leave approved will be without pay.

The following is a non-exclusive list of circumstances which DO NOT qualify as Emergency Leave:

- Arrest or Incarceration of Employee or Employee’s Family Member
- Attendance at a Recreational Activity
- Vacation to Include Accompanying a Family Member or Friend on Business Trip
- Working for another Employer or Self
- Interviews for Employment
- College Classes or Examinations
- Weather (other than to address storm damage to personal property)
- Transportation to Work (other than a motor vehicle accident)

**Emergency Leave may be used in one-hour increments as approved in writing by the immediate supervisor.**

## **(5) Professional Leave**

An employee may be granted Professional Leave with pay to attend seminars, conferences, meetings, and workshops directly related to the employee's job with the district. Professional Leave shall not be granted for the purpose of attending classes for completing degrees or certification requirements. **Application Requests** for Professional Leave shall be made in writing to the superintendent or his/her designated representative at least five (5) working days in advance of the absence.

## **(6) Vacation Leave**

Employees whose primary job assignment consists of 261 duty days are allowed ten (10) days of paid Vacation Leave during each fiscal year (July 1 to June 30) to allow for relaxation and rejuvenation from the demands of the job. Employees who commence employment or who are assigned to an assignment consisting of 261 duty days after December will be allowed a prorated Vacation Leave of five (5) days. Employees who have been continuously employed in a primary job assignment consisting of 261 duty days for five (5) years will be allowed one (1) additional day of Vacation Leave for each year beyond five years of employment up to a maximum of twenty (20) days of Vacation Leave per year after fifteen (15) years of employment. Only years of service where the employee was assigned to a 261 duty day position will count toward eligibility for these additional days of Vacation Leave.

Vacation Leave may be used in ~~full (1) or one-half (1/2) day a minimum of one hour increments.~~ **one-hour increments as approved by the immediate supervisor.** Vacation Leave is not available for use by new employees until they have completed six (6) months of employment. Vacation Leave for all other eligible employees is available for use commencing July 1 of each fiscal year. Use of Vacation Leave must be scheduled with and approved by the employee's immediate supervisor and Human Resources. An application for Vacation Leave must be made in writing to the employee's immediate supervisor **and Human Resources** at least five (5) working days in advance of the absence. Vacation Leave may **not** be used during the five (5) duty days immediately preceding the first and last days of school year for students or during the five (5) duty days immediately following the first and last days of school year for students.

Employees are strongly encouraged to use their yearly allotment of vacation days within the year in which they provided. Unused Vacation Leave may only be carried over for one fiscal year. Vacation Leave not used within this time period shall be void. Any exception must be approved by the superintendent or his/her designated representative.

Separation from employment or transfer to a primary job assignment with less than 261 duty days shall automatically void all unused Vacation Leave. Employees who separate from employment in good standing or who transfer to a position with less than 261 duty days will be paid for any unused Vacation Leave at the time of separation or transfer. Any amount paid to employees who separate from employment or transfer to a position with less than 261 duty days in the middle of a fiscal year will be prorated



based on the number of duty days worked. For example, an employee allowed ten (10) days of Vacation Leave who separates from employment at the end of December without using any days of Vacation Leave would only be paid for five (5) days of Vacation Leave. Employees who separate from employment or transfer to a position with less than 261 duty days during the middle of the fiscal year who have already used all of their allowed Vacation Leave for that year will have their final pay reduced based on the Vacation Leave allowed prorated by the number of duty days worked. For example, the final pay of an employee allowed ten (10) days of Vacation Leave who takes all ten (10) days and then separates from employment at the end of December would be reduced by the amount for five (5) days of Vacation Leave.