

## **West Bonner County School District**

### **PERSONNEL**

**5400C**

#### Personnel Use of Leave During Health Emergencies

The Board believes that the provision of leave in addition to the contractual leaves provided by the Master Agreement helps to attract and retain staff members who will continue to grow professionally, maintain their physical health, and have a feeling of security.

The Board has the authority to grant any employee's request for a leave of absence. A leave of absence may be at the request of the employee or may be done involuntarily by action of the Board. The Board may also delegate this authority to a designee.

The District has adopted the protocols outlined in this policy to govern during the term of the declared public health emergency to inform District staff about leave options. The Superintendent or designee is authorized to implement this policy.

#### Federal Law Controls Federal Leave Provisions

Federal and state guidance may change following adoption of this policy. To the extent that any subsequently adopted guidance or federal regulation or other interpretation of the law results in a conflict between such guidance, regulation, or interpretation, the provisions contained in the most recent guidance, regulation, or interpretation shall apply. The District will take reasonable steps to ensure that staff are notified of any change in guidance or regulation that creates a conflict with this policy.

#### Emergency Paid Sick Leave

In accordance with federal law, employees may be eligible for two weeks of paid sick leave capped at 80 hours paid at the employee's regular rate of pay when the employee is unable to work because they are quarantined in accordance with a Federal, State, or local government order or by the advice of a health care provider, and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.

Employees may be eligible for two weeks (up to 80 hours) of paid leave paid at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine in accordance with a Federal, State, or local government order or by the advice of a health care provider, or to care for a child under 18 years of age whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition.

#### Emergency Family Medical Leave

Employees may be eligible for up to an additional 10 weeks of paid expanded family and medical

leave at two-thirds the employee's regular rate of pay when the employee, who has been employed for at least 30 calendar days, is unable to work due to a bonafide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

### **Delegation of Authority**

#### **Retaining Authority**

The Board has not delegated authority for the Superintendent to accept an employee's request for administrative leave or to place a certificated employee on a period of involuntary leave of absence.

#### **Considerations for Involuntary Leave**

If the Superintendent or Board is making a decision as to whether or not to place an employee on a period of involuntary leave of absence, some of the considerations in making such a decision may include:

1. Whether or not the conduct at issue involves a possible:
  - A. Criminal act;
  - B. Violation of the Code of Ethics for Idaho Professional Educators;
  - C. A violation of federal or state education laws or regulations; or
  - D. A violation of District Policy and/or Procedure.
2. Whether or not the conduct at issue involves the health, welfare, or safety of the District's students or employees.
3. Whether or not there is an event identified.
4. If the event involves an allegation of abuse of a student or minor, is there an "identified victim" or some other information that provides indicia of credibility.
5. If the event involves an allegation of abuse of a student or minor, is the report in question anonymous or are there any other indicia of credibility.
6. Whether or not there is an identified victim or identified event that the District could investigate.
7. Whether or not there is a concern that the presence of the employee on school property could be detrimental to the investigation process and/or a concern that the employee and/or the presence of the employee interfere with the investigation process.
8. Whether or not there is an ongoing/related criminal investigation associated with the same alleged event or allegations.

## Sick Leave

Classified employees who regularly work twenty (20) hours or more per week and certificated employees who work half time or more per week shall be granted sick leave and other leaves in accordance with State law. For purposes of sick leave, classified employees are to include all classified staff and department supervisors; and certificated employees is to include all teachers, building principals and superintendent. Each such employee shall be granted sick leave with full pay of one (1) day as projected for the employment year for each month of service in which he/she works a majority portion of that month. Sick leave for classified employees shall be calculated proportionate to the average hours worked per day. The District may, in its discretion, require proof of illness when deemed appropriate, including but not limited to suspicion of abuse of sick leave or false claims of illness.\_

Compensation shall not be provided for unused sick leave.

Sick leave for certificated employees shall be calculated by the day, or percentage thereof, as defined in his/her individual employment contract. See “The WBCEA Negotiated Agreement”. The District, may in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of sick leave or false claims of illness. Abuse of sick leave is cause for discipline up to and including termination.

After an illness of five (5) consecutive days, employees may be asked to present a doctor’s statement attesting to the illness or injury necessitating the employee’s continued absence. When an employee has exhibited a pattern of absence that suggests an abuse of sick leave, the employee may be asked to present a doctor’s statement attesting to the illness or injury necessitating the employee’s absence irrespective of five days.

When the employee qualifies for sick and injury leave but has exhausted his/her accumulated leave bank, the employee may be absent on an unpaid sick/injury leave. The District has the right to require an examination by a physician mutually agreed upon by the District and the employee. The employee may not be rehired for the next ensuing year unless the employee has provided the District with a physician’s statement which provides the District with a reasonable assurance that the employee’s physical/mental status is such that the employee will be able to fulfill his/her contractual or work obligation. The District has the right to deny continued absence on unpaid sick leave.

Kitchen staff working 15-19 hours per week shall receive one (1) sick day per month. This day is not cumulative.

Compensation shall not be provided for unused sick leave.

“Sick leave” means a leave of absence, with pay, for a sickness suffered by an employee or his or her immediate family. “Immediate family” includes husband, wife, father, mother, son, daughter, parent-in-law, child-in-law, grandparent, grandchild, brother, sister, guardian or ward

and the same members of the spouse's family or like members of a step family. This includes any relative or person residing in the same household for more than six months. Nothing in this policy guarantees approval of the granting of such leave in any instance. Each request will be judged by the District in accordance with this policy and the needs of the District.

#### Accrual of unused sick leave

Sick leave may be accrued to an unlimited amount. For retirees only; unused sick leave will be reported to PERSI. Upon submission of the RS109 to PERSI, the payroll department will zero out all sick leave days reported to PERSI on the RS109. Any sick days taken by the employee between the date of submitting the RS109 and the end of the school year must be accounted for as other compensated time the employee may have or leave without pay.

#### Bereavement Leave

Up to a total of five (5) days of absences shall be authorized by the immediate supervisor because of death in the immediate family. Conditions of this article pertain to both sides of the family. These five (5) days are in addition to accumulated sick leave and are not chargeable to sick leave. When extenuating circumstances exist, the Superintendent or designee may allow an exception. This leave is non-cumulative.

#### Personal

Teachers will be granted personal and emergency leave according to the terms of the current collective bargaining agreement. Personal leave of two (2) days per year, cumulative to five (5) days, shall be granted to classified personnel who work twenty (20) hours or more per week. All full time classified employees who have worked fourteen (14) years or more for the district and who were not on probation or a plan of assistance the previous school year shall be granted an additional personal leave day per year. Employees may receive pay for unused personal leave up to three (3) days per year. Personal leave days are paid at sub rate of pay for teachers and full rate for classified employees. Personal leave for building principals and department supervisors will be granted three (3) personal days per year, cumulative to five (5) days per year. Personal days for administrators are paid at the administrator's daily rate. Personal days are granted in the beginning of the fiscal school year, any employee hired after the school year begins will have personal days prorated per the portion by hire date.

1. Leave can be used in hour increments for classified and in units of half or full days for teachers.
2. Notice of at least one (1) week is required for any personal leave of less than one (1) week. Notice of one (1) month is required for any personal leave exceeding one (1) week.

## Leave Without Pay

Payroll deductions for personal absences not specifically authorized in the district's policies will be calculated on the basis of the individual's prorated salary for each day absent. Absences without the permission of the immediate supervisor or the superintendent may lead to disciplinary action, including termination.

It is the policy of the Board of Trustees that extended leaves (over three days) for reasons not described by board policy may be granted as leave without pay, if approved by the employee's immediate supervisor. Prior notification of the request in writing is required.

## **Leave of Absence**

Certificated Employees: Follow procedure set in Negotiated Agreement.

Classified Employees: Leaves of absence may be granted for classified employees for specified times for reasons approve by the Trustees (the superintendent may grant for emergency situations).

Legal Reference: 42 USC 2000e	Equal Employment Opportunities
I.C. § 33-1216 et seq.	Sick and other leave
I.C. § 33-1228	Severance allowance at retirement

## Policy History:

Adopted on: August 19, 2020

Revised on:

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