

Professional/Support Staff

Sick Leave

Sick leave for District personnel is a designated amount of compensated leave that is to be granted to a staff member who, through personal or family illness, injury, or quarantine, is unable to perform the duties assigned. Family, for purposes of sick leave, shall include:

Spouse Grandparents
Children Grandchildren
Parents Like relations created by marriage
Siblings (e.g., stepchild, father-in-law, etc.)

A medical certificate is required after the fourth (4th) day of absence (nonconsecutive) explaining the nature of the illness. Sick leave may be taken on a one-fourth (1/4), one-half (1/2), three-fourths (3/4) or full day basis. Family illness, for purposes of sick leave, shall not exceed a period of three (3) days, unless an approval is granted by the Superintendent.

Excessive absence before or after a holiday or weekend can be grounds for requiring medical certification of illness.

Sick leave may include other excused absences, such as medical, dental, or optical examination or treatment impossible to schedule on nonduty days.

Each staff member shall be credited with a sick leave allowance at the rate of one and one-quarter (1 1/4) days for every twenty (20) days worked.

When a staff member exhausts all days of accumulated sick leave, an unpaid leave of absence must be requested, pursuant to District policy.

Sick leave of any staff member who does not serve a full school year shall be prorated at the rate of one (1) day per month.

Sick leave may be used for childbirth during the time the physician verifies that the employee is physically unable to perform her normal duties. If the employee does not wish to return to her duties following childbirth, an extended leave of absence must be requested, consistent with existing District policy.

Upon request, the staff member shall inform the Superintendent of the following:

- Expected date of return from sick leave.
- Where the staff member may be contacted during the leave.

Sick leave is only for the purpose of recuperative activities, e.g., obtaining medical care or treatment, procuring medications or other prescribed materials, convalescing at home or at a medical facility, or other therapy or activity prescribed by the employee's physician or health practitioner (with verification required if requested by the Superintendent). The District may, at District expense, require the employee to submit to medical or psychiatric examination by a physician or psychiatrist selected by the District to determine (1) whether or not the continued use of sick leave is appropriate or (2) whether return to duty is appropriate.

The employee must contact his/her supervisor as soon as practicable to let the supervisor know he/she will be absent. Failure to notify the supervisor within one (1) hour after the expected start time for the employee will result in deduction of salary for that day and each day thereafter when the employee is absent without leave (AWOL). This may

be appealed to the Superintendent if unforeseen issues arise. Repeat violations of this requirement to notify the supervisor about absences may result in employee discipline, up to and including termination or discharge.

At the close of each fiscal year each employee's accumulation of unused sick leave shall be calculated.

Resignation or dismissal from the School District forfeits all accumulated sick leave.

Any employee whose has not used more than three (3) days of leave and has accumulated days that equal at least forty (40) days but less than eighty (80) days shall be paid two hundred fifty dollars (\$250) and any employee whose has not used more than three (3) days of leave and has accumulated days that equal at least eighty (80) days shall be paid five hundred dollars (\$500). Payment will be subject to that category of substitute in the budget line item. If funds are not available or that line item is not enough then a pro-rated amount will be given.

Sick Leave Payment for Retiring Employees

Employees who notify the Superintendent the year prior to the contract year in which they intend to take New Mexico Retirement may receive payment during the retirement year for accumulated sick leave in an amount and on a schedule as determined by the Board.

Subject to the above conditions, retiring Española Public Schools (EPS) employees may receive monetary payment for unused sick leave on the following scales not to exceed one hundred (100) days:

<u>Category</u>	<u>Rate of Compensation</u>	<u>Maximum</u>
Certificated	\$50.00/ per day	\$5,000.00
Support Staff	\$40.00/ per day	\$4,000.00

This payment will be separate from the employee's final payment with the School District.

Any employee who can be shown to have willfully violated or misused the District's sick leave policy or misrepresented any statement or condition will be subject to discipline, which may include reprimand, suspension, and/or dismissal.

Article 28

CBA

Time Clock for Educational Support

- A. Education Support Personnel shall utilize the time clock for recording time worked.
- B. Employees will pay \$25.00 for the first replacement of a lost identification card. Employees will pay \$50.00 for the subsequent replacement of lost identification card.

Article 29

CBA

Leave Provisions

- A. Professional Leave: Professional Leave is defined as leave that the District decides will benefit the School District and the employee. Such leave is for the purpose of attendance at a conference, workshop, professional meeting, in-service training, or school event. Professional leave is with pay and is subject to the recommendation of the supervisor and approval of the assistant superintendent for instruction. Any denial of the professional leave request should be communicated to the employee at least 48 hours prior to the event, by email except in extenuating circumstances. The employee maybe required to share the information obtained at conference or workshops with District employees who did not attend. The information would be provided in the form of a workshop at the District.
- B. Religious Leave: Employees may be granted accrued personal leave or leave without pay for the observance of religious holidays.
- C. Assault and/or Battery Leave:
 - 1. An employee injured by an assault and/or battery while acting in the scope of the employee's duties will be placed on administrative leave with pay while an investigation is conducted. If the investigation concludes prior to the employee being able to return to work and the employee chooses to use his/her accrued paid leave, such leave may be reimbursed if the employee qualifies for the reimbursement under the Worker Compensation Act of New Mexico. An employee is not eligible for paid leave while receiving workers compensation benefits.
 - 2. An employee battered shall report the incident to his/her supervisor immediately. The employee shall complete all necessary reports and/or forms.
 - 3. Employees injured by a physical assault and/or battery while acting in the scope of the employee's duties shall apply for Workers' Compensation.
- D. Court Leave:
 - 1. Leave with pay may be granted to an employee for jury duty or subpoena regarding a job related issue to testify on behalf of the District.
 - 2. The employee will cooperate in ensuring the Court turns over the jury duty fees to the District.
 - 3. Leave may be requested by an employee to appear in court or an administrative procedure to assert or protect his or her own interests. If granted, the employee shall use personal leave or leave without pay for such purposes.
- E. Military Leave: Military leave shall be administered in accordance with Federal and State Law. (include appropriate federal/state law)
- F. Leave to Vote: Leave to vote will be handled in accordance with State Law.
- G. Incidental Leave: Employees may request incidental leave for one (1) hours or less when such request would not necessitate the hiring of a substitute to include but not limited to: picking up sick children, brief doctor visits,

vehicle or family emergencies, etc. Such requests should be reasonable and necessary and should be for unique situations and rare occurrences. This leave is subject to approval of the supervisor.

Article 30

CBA

Leave with Pay

- A. Sick Leave/Personal Leave-Accrual
 - 1. Sick Leave will be accrued at the rate of one (1.25) day for every twenty (20) days worked. In addition bargaining unit employees shall accrue two days of personal leave at the beginning of the school year. No explanation shall be required for personal leave requests.
 - 2. Sick leave can only be taken as accrued.
 - 3. Accrued sick leave shall be forfeited at time of separation of employment with the District, except in case of retirement where District Policy G-2550 will apply, (Included as Appendix C).
- B. Sick Leave Incentive: At the close of each fiscal year each employee's accumulation of unused sick leave shall be calculated. An employee who has used three (3) days or less of sick leave during the fiscal year and who accumulated sick leave days equal to at least forty (40) days but less than eighty (80) days shall be paid two hundred fifty dollars (\$250.00) and an employee whose accumulated days equal at least eighty (80) days shall be paid five hundred dollars (\$500.00). This payment is subject to the availability of funds as budgeted by the School Board provided no additional budget cuts are required by the State during the fiscal year.
- C. Personal Leave: Personal leave will not be approved during the first two weeks or the last two weeks of school and the day before and the day after a holiday or scheduled school break except in extenuating circumstances as determined and approved by the Superintendent. Staffing needs and what is in the best interest of students will be evaluated in considering approval of personal leave. Each staff member will be granted personal leave not to exceed two (2) days per year. No more than ten percent (10%) of the staff per school site may be granted personal leave at any one (1) time. Requests for personal leave must be received at least four (4) working days prior to the first day of leave, and are subject to the approval of the principal. In the case of a documented emergency, principals are authorized to grant personal leave to employees subject to provisions above. Where the employee has exhausted other leave the principal has discretion to approve such emergency leave which shall be deducted from the accrued sick leave.
- D. Substitutes required for the purpose of paid leave shall be arranged for by the District.
- E. Sick Leave Bank: Will be administered in accordance with District, G-3100 (Included as Appendix B).
- F. Bereavement Leave: An employee may be granted leave, upon request to the Superintendent, up to five days of leave to be used in the event of death in the employee's family, (Parents, Spouse, Children, Siblings, Grandparents, and Grandchildren, like relations created by marriage). Additional leave may be requested and charged to personal, sick, or leave without pay, subject to approval of the Superintendent.