

SUBJECT: SICK LEAVE—EDUCATION SUPPORT PROFESSIONALS

-I. Board Directive

It is the directive of the Board to authorize paid sick leave for education support professionals who work 30 hours per week or more and to comply with requirements of Public Law 103-3, Family and Medical Leave Act. The Board delegates to the Administration responsibility for establishing policy for sick leave and family leave benefits. Sick leave runs concurrent with Family Medical Leave Act (FMLA) and Workers Compensation. If additional leave is needed beyond what is covered in this policy, refer to [DP322 NEG - Family Medical Leave Act](#).

II. Administrative Policy

A. Definitions

1. Immediate family is defined as husband, wife, daughter, son, father, mother, brother, sister, or other person residing in the employee’s home on a permanent basis. Special circumstances may be appealed to the Sick Leave Review Committee for consideration of immediate family status.
2. Continuous service includes an approved leave of absence, sabbatical leave, sick bank, military and/or FMLA leave.
 - a. If an employee resigns his/her position in the District and then returns, he/she must start over on years of service and sick leave accumulation.
3. Sick Leave Review Committee
 - a. A Sick Leave Review Committee, composed of the Human Resources administrator for education support professionals, one other member of the Human Resources Department and two members of the employee agent group, shall be appointed to administer use of the sick bank. The Human Resources administrator for education support professionals shall serve as the chairperson. If one of the employee agent group members cannot be in attendance, an alternative representative will be requested by the employee agent group president.
 - b. The Committee shall review all sick bank requests and rule on sick bank usage. The unused sick bank days shall be reported to the Committee on a quarterly basis.
 - c. The Human Resources administrator for education support professionals shall make available to the Committee all the information that is submitted with an employee’s sick bank request.
 - d. Minutes of all Sick Leave Bank Committee meetings shall be recorded and made available to all Committee members.

The sick leave policy shall be administered according to the following administrative policy provisions.

B. Sick Leave Accumulations

1. Sick leave accumulations are based on unused annual leave. See Policy DP335B NEG Annual Leave – Education Support Professionals for annual leave details.
2. Annual leave does not need to be exhausted before sick leave can be used.
3. Maximum accumulations:

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9-Month Employees: (Includes all bus drivers and attendants)

Maximum sick leave accumulation 180 days

10-Month Employees:

Maximum sick leave accumulation 200 days

11-Month Employees:

Maximum sick leave accumulation 220 days

12-Month Employees:

Maximum sick leave accumulation 240 days

C. Sick Leave Benefits During Approved Absences

Should an employee be granted a leave for any reason, he/she will keep his/her number of cumulative sick leave days to be used upon return, but shall not be considered for sick leave during the time of leave.

D. Use of Sick Leave for Critical Family Care

1. Although sick leave is intended for use by the employee for personal health-related absences, some sick leave may be used for critical family care as described below. Annual leave should be used for non-critical care of an ill family member.
2. A maximum of twelve (12) days of sick leave may be used each year to care for a critically ill member of the employee’s immediate family, as defined above.
3. Use of sick leave for critical family illness must be authorized by the Sick Leave Review Committee. The employee must submit his/her request electronically by applying online via Employee Access.
4. Employees may not apply for critical family care benefits until five (5) annual leave days have been used.
5. In cases of extended critical care, employees may apply for additional days beyond the twelve (12) day allowance.
 - a. If more days are needed, employees who continue to deal with a critical family care (as defined in item D.1. above) may apply to the Sick Leave Review Committee for up to three (3) additional days.
 - b. If additional days are granted, 40% of the employee’s daily rate for each additional day of leave shall be deducted from the employee’s pay.

E. Use of Sick Leave for Adoption

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1. An employee who adopts a child must apply for critical family care days by submitting his/her request electronically to the Sick Leave Review Committee by applying online via Employee Access.
2. Employees may use up to a maximum of twenty (20) accumulated sick leave days at the time actual custody of the child is received. An employee shall not exceed a total of twenty (20) days of leave time, including the use of accrued personal leave days.
3. Any additional leave must fall under the provisions of [DP322—Family Medical Leave Act](#).

F. Notification of Absence

1. Absences due to illness are to be reported to the appropriate office or individual as soon as possible.
2. The Administration may require a doctor's certificate without regard to the number of sick leave days claimed at any one time.
3. Employees absent for more than five (5) consecutive days shall apply for FMLA within the policy provisions of [DP322—Family Medical Leave Act](#).
4. Elective surgery shall be scheduled to minimize the time off work.
5. The employee shall record the absence in Skyward at least one hour prior to the start of his/her contract day or the day of the absence. A supervisor may require additional information.

G. Abuse of Sick Leave

1. If an immediate supervisor suspects that an employee has misused his/her sick leave benefit as established by this policy, the immediate supervisor shall conference with the employee.
2. If it is determined that the employee has misused his/her sick leave the immediate supervisor will forward a written explanation of the abuse to the Administrator of Human Resources or his/her designee and an investigation shall be conducted.
3. If the investigation of sick leave abuse proves to be true, the following policy provisions will be in effect:
 - a. Salary received for those unauthorized days shall be reclaimed.
 - b. There shall be a five-day (5) suspension without pay. The principal/director will determine when this suspension will be implemented to cause the least disruption to the school/department and students.
 - c. Disciplinary actions taken, up to and including termination of employment shall be entered in the employee's personnel file.

H. Employee-Funded Sick Bank

1. Employee Participation in the Sick Bank
 - a. Employees are automatically enrolled in the sick bank each year through the annual donation of one (1) annual leave day to the sick bank.
 - b. Each year, employees wishing to opt out of participation in the sick bank must annually complete the appropriate online form in Employee Access no later than September 1 for current employees and October 1 for first-year employees.

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- c. Employees who have been offered a temporary transitional duty assignment due to a work-related injury, who refuse the temporary transitional duty assignment, will not be eligible for Sick Bank.
 - d. Non-contracted employees shall not be eligible for the sick bank.
2. Use of the Sick Bank
- a. The sick bank is not intended to be used for in-and-out absences, elective medical procedures or other medical care that could be scheduled during non-contract time.
 - b. Employees shall complete an official request for sick bank leave online via Employee Access.
 - c. Employees shall complete a release of medical information form to allow the members of the Sick Leave Review Committee to review any medical documentation that they provide with the request for sick bank leave.
 - d. Employees shall be required to complete a release of information form to allow the Sick Bank Committee to review their official District personnel file, if the need should arise.
 - e. Before an employee is eligible to apply for sick bank leave, the following criteria must be met for each qualifying medical condition. The employee must have:
 - 1) applied for FMLA (which will run concurrently with any sick bank leave usage); and
 - 2) exhausted all accrued sick leave days, annual leave days (up to a maximum of five (5) days), vacation days; and
 - 3) missed a minimum of fifteen (15) work days (any days from #1 and #2 above and/or no-pay days qualify for meeting this requirement).
 - f. An employee shall be required to provide the Sick Leave Review Committee with updated information regarding his/her condition every 30 days after the approval of the sick bank leave benefits. Continuation of the sick bank leave shall be contingent upon the information contained in the update.

3. Sick Bank Allowances

Employees who are considered “Provisional” as defined in [DP314 — Provisional and Probationary Education Support Professionals](#) as of July 1 are not eligible for sick bank benefits that year. An employee’s continuous contracted service as of July 1 will determine his/her sick bank eligibility for that year. Sick leave days per year are based on the following:

- 1 - 3 years of service are eligible for up to 15 sick bank days
- 4 - 7 years of service are eligible for up to 30 sick bank days
- 8 - 11 years of service are eligible for up to 60 sick bank days
- 12 years of service and above are eligible for up to 120 sick bank days

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4. Employee Funded Sick Leave Bank Limitations

- a. The illness/injury must be medically documented with a statement bearing an original signature from the attending physician. The verification of absence form may not be stamped with a physician’s signature or signed by the attending nurse, office manager, etc.
- b. A second opinion may be required with any costs not covered by insurance borne by the District.
- c. Prior to granting sick bank leave, an employee shall acknowledge and agree in the online application to repay the sick bank any unused vacation days for sick bank days used or granted before transitioning to long-term disability.
- d. Prior to granting sick bank days an employee shall acknowledge and agree in the online application to repay compensation at his/her daily rate of pay for sick bank days used or granted if he/she terminates employment with the District for other than medical reasons before completion of the current and succeeding contract year. The purpose of said funds would be to purchase days for the sick bank.
- e. No employee shall draw more than 120 days from the sick leave bank during a three-year period.
- f. No employee shall take vacation days within 15 working days after drawing upon the sick bank.
- g. No employee shall accrue leave days, i.e., annual leave or vacation while drawing upon the sick bank.
- h. After 180 calendar days, including summer months, sick leave benefits from District sources shall terminate and employees shall transition to long term disability according to the provisions of policy [DP317 — Long-Term Disability Insurance](#).
- i. No appeal beyond the Sick Leave Review Committee is provided.
- j. If all days in the sick bank are exhausted prior to July 1, no additional days will be granted for the remainder of the current contract year.

Revision history: 7/12/11, 6/10/14, 6/9/15