

Book POLICIES
Section G - Certified Staff Policies
Title Leaves
Number GBZCDA
Status Active
Legal

BOARD POLICY:

The following leaves are addressed in this policy, with form/information related to certain areas included in Appendix B:

- I. Illness/Bereavement
- II. Personal Business
- III. Family Medical Leave Act (FMLA)
- IV. Childbirth and Adoption Leave
- V. Non-FMLA Medical Leave
- VI. Prolonged Absences Requiring Board of Education Action
- VII. Professional Leave Out-of-District Professional Activities
- VIII. Donor Leave for Organ, Tissue, Bone Marrow, and Blood Donation
- IX. Jury Duty or Other Legal Proceedings
- X. Non-School Community Activities
- XI. Military Leave
- XII. Political Activity Leave
- XIII. Sabbatical Leave
- XIV. Other Approved Absence

Annual leave is earned at the employee's FTE (full-time equivalency) contract rate. An employee who is less than 1.0 FTE will earn leave proportional to his/her FTE during the year the leave is earned, i.e. a .5 contract employee earns .5 the number of leave days a 1.0 FTE employee earns during the same contract period.) Daily leave may be taken in increments of .5 day (4 hrs.) or 1 day (8 hrs.). Absences that are not allowed per the Leave policy will result in a dock of daily contractual pay and/or other disciplinary action.

I. Illness/Bereavement Leave

Illness/Bereavement Leave is defined as days of absence from duty because of personal or family illness or injury or bereavement for which no deduction is made in regular monthly or annual compensation of the employee.

- A. Illness/Bereavement leave may be utilized for:
 1. Illness or injury of the employee.
 2. Illness or injury of household family members of the employee.
 - a. Household family members shall include those individuals living at the residence of the employee or employee's children living outside the household.
 3. Illness or injury of immediate family members of the employee.
 - a. Immediate family members shall include the employee's parents, grandparents, brothers, sisters, grandchildren, as well as the parents, grandparents, brothers, sisters, grandchildren, and children of the employee's spouse.

4. Birth/adoption of a grandchild:
 - a. Employees are entitled to a yearly total of 5 working days within three (3) weeks of the birth/adoption.
 - b. Employees first use available Personal Business Leave.
 - c. Once Personal Business Leave is exhausted, employees may then use illness/bereavement leave to the 5 working days maximum.
5. Death of household or immediate family members of the employee. Special Note: In cases of the terminal illness or the death of a member of the employee's immediate/household family, up to 5 days of leave in a contract year will be provided to the employee at no deduction from the employee's yearly or accumulated Illness/Bereavement Leave. The five (5) days may be taken intermittently as needed within the same school year. The employee must make written request to Human Resources for this leave credit. Form located on HR website.
6. Two Illness/Bereavement Leave days may be converted to one additional Personal Business leave day per year for unforeseen circumstances or circumstances beyond the control of the employee when the employee has utilized all available Personal Business Leave. (Also see Personal Business Leave in this policy)
- B. The term 'days' as used herein is defined as days on which the employee drawing Illness/Bereavement Leave would normally have reported for duty.
- C. Employees whose work year does not exceed ten (10) months shall be allowed annual Illness/Bereavement Leave at the rate of thirteen (13) days per school year. Employees whose work year exceeds ten (10) months shall be allowed one (1) additional day per month per year.
- D. The annual amount of Illness/Bereavement Leave shall be credited to an employee on his/her first contract day after the district's new fiscal year. All prior unused leave carries over for the employee. If an employee leaves employment prior to the end of his/her contract, the annual amount will be prorated for only the time worked.
- E. Any employee absent for more than three (3) consecutive days due to personal illness may be required to present a statement from a health care provider indicating the nature of the illness associated with the absence. Further, the District may require a health care provider statement indicating the readiness of the employee to resume duties. Such statements from health care provider shall be provided at the employee's expense. The district may, at district expense, require a district-selected health care provider to provide an authorization to return to work.
- F. Resignation or termination of employment shall automatically void all accumulated days of leave except those specified in the Retirement Insurance Benefit Plan.
- G. For Illness/Bereavement Leave purposes, in no instance can accumulated leave extend beyond the length of the contract days. Any additional days of accrued leave, beyond the contract length, may be used only for the Retirement Insurance Benefit Plan.
- H. Illness/Bereavement Leave is applicable for absences due to pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery there from during the period of actual incapacitation of the employee from performance of their duties.
- I. Employees with accumulated illness/bereavement leave may exchange the accumulated leave days for a contribution by the District to the employee's Health Reimbursement Arrangement Account (HRA) the year the employee will be retiring under KPERS under the Retirement Insurance Benefit Plan (Policy GBOA, Negotiated Agreement).

II. Personal Business Leave

Personal Business Leave is defined as absence from duty because of reasons deemed of personal importance to the employee, for which approved leave will be allowed without deduction in pay.

A. General Personal Business Leave procedures:

1. All daily leave which does not align with Illness/Bereavement Leave must be taken as Personal Business Leave.
2. Licensed/certified employees with one to ten (1-10) years of employment in the Olathe District receive two (2) days of Personal Business Leave. After ten (10) years of employment, an employee receives three (3) days of Personal Business Leave. After fifteen (15) years of employment, an employee receives four (4) days of Personal Business Leave. The District will approve a total of ~~40-60~~ Personal Business Leave days per school day for licensed/certified staff. Of the total ~~40-60~~ Personal Business Leave days per school day, ~~30-50~~ will be granted for staff requiring a substitute teacher and 10 will be granted per school day for staff not requiring substitutes.
3. Personal Business Leave may be used in full day or half day units.
4. Two Illness/Bereavement Leave days may be converted to one additional Personal Business Leave day per year for unforeseen circumstances or circumstances beyond the control of the employee (nondiscretionary) when the employee has utilized all available Personal Business Leave. No additional discretionary Personal Business Leave will be granted if all Personal Business Leave days have been used. This Personal Business Leave may be contiguous to other nondiscretionary Personal Business Leave days. (Also see Illness/Bereavement Leave in this policy).
5. Any days eligible to be used by the employee as Personal Business Leave day(s) and not taken in the current contract year will be a) accrued as Illness/Bereavement Leave as outlined in Option A or b) paid as outlined in Option B.
 - **Option A:** Option A, which is the default option if Option B is not chosen, provides that each unused Personal Business Leave day will accrue as two (2) Illness/Bereavement Leave days (one Personal Business Leave day = two Illness/Bereavement Leave days). On an annual basis, the Personal Business Leave day(s) not utilized under this policy will be added to the Illness/Bereavement Leave account of the employee at the end of each current school year.
 - **Option B:** If option B is chosen by the employee, each unused Personal Business Leave day will be doubled for purposes of calculating a payment by the District to the employee. Once doubled, each Personal Business Leave day will be equal to the per day worth of illness/bereavement days exchanged under the Retirement Insurance Benefit Plan (Policy BGOA).
6. The Human Resources administrator may convene a subcommittee of Professional Council as needed during the year for additional input on decisions concerning Personal Business Leave requests.

B. Discretionary Personal Business Leave:

1. Non-Blackout Days:
 - Discretionary Personal Business Leave requests for non-Blackout Days are received and processed by the principal or building administrator. These requests will be approved as long as they are received at least two business days in advance and building caps have not been met. (see Building Caps below)

leave. The District may require that employees take available sick leave, personal leave, and vacation leave during FMLA leave.

- C. For the purpose of calculating leave available under FMLA, a year will be 365 days prior to the date of calculation. (Rolling calendar)
- D. Extending Leave: In the event an employee needs to extend a leave beyond the 12 weeks of FMLA guaranteed leave, a written request must be submitted to Human Resources. This extension is no longer FMLA leave. Refer to Section V of this policy, Non-FMLA Medical Leave.

IV. Childbirth and Adoption Leave

Whether covered by FMLA (Family Medical Leave Act) or not an employee may use up to 60 days of leave per year for childbirth or adoption.

- A. **Paid Leave:** An Employee using childbirth or adoption leave may use his/her own accumulated illness/bereavement and/or personal business leave as designated below:
 - 1. An employee may use no more than 60 days of his/her accumulated leave balance for this childbirth or adoption.
 - 2. If both parents are employed by the district, a combined total (for both employees) of 80 days of accumulated leave may be taken for pay. One parent may use no more than 60 days of his/her own accumulated leave for pay and the other parent may use his/her accumulated leave up to a combined total (for both employees) of 80 days for pay for this childbirth or adoption. This leave may be concurrent, sequential, or overlapping. Days taken beyond the combined 80 days will not be paid. During this leave, employer-paid benefits are continued for both employees for up to 60 days.
- B. **Continuity:** Leave for reasons of birth of a child or placement of a child may not be used intermittently or on a part-time basis without the prior approval of the superintendent or designee.

V. Non-FMLA Medical Leave

- A. **Who is eligible:**
 - 1. Employees who have not worked for the school district for at least twelve months or have not worked at least 1,250 hours in the twelve months preceding a leave, are not eligible for FMLA (Family Medical Leave Act) leave but are eligible to apply for Non-FMLA Medical Leave.
 - 2. Employees who qualify for FMLA but have exhausted FMLA leave.
 - 3. Employees may be required to provide doctor's information regarding their medical situation.
- B. **Process:**
 - 1. An employee not eligible for FMLA leave or an employee who has exhausted their FMLA leave will apply any accumulated leaves to include illness/bereavement leave, personal business leave, and vacation leave.
 - 2. If these leaves have been used, the employee may apply to the Leave Bank (Policy GBZCDD) if the employee is a member or meets criteria for first-year employee.
 - 3. At the time a professional employee has exhausted all accumulated leave, the employee must submit a written request to Human Resources for additional leave. Human Resources will review the request for potential approval. The options listed below may be considered as they apply to the employee:
 - Return to work
 - Leave without pay

- Board-approved prolonged absence (with or without guarantee of employment upon request to return)
- Resignation
- Disability accommodation under the Americans with Disability Act
- KPERS disability, if applicable

VI. Prolonged Absences Requiring Board of Education Action: Prolonged absences of a semester or more in length shall be requested in writing to the Human Resources Division at the earliest notice possible and are sent to the Board of Education for final approval. Prolong absences will result in the Board of Education granting a Leave of Absence With Guarantee of Employment or a Leave of Absence Without Guarantee of Employment.

Leave of Absence Without Guarantee of Employment

- A. An employee may be granted a leave of absence without guarantee of employment. In such cases, the leave will be granted only for the protection of accrued benefits.
- B. While on a leave of absence without guarantee of employment, benefit of leave allowances shall not accrue during leave nor will accumulated leave be lost.
- C. Salary step increases will not be granted while on leave unless the experience during the leave is comparable to a year's teaching experience within the District. The employee may request one (1) extension to a leave of absence without guarantee of employment.
- D. In case of leave of absence for health reasons, the district may require a statement from a health care provider.
- E. Employees on leave of absence without guarantee of employment are not eligible for Board paid participation in insurance programs or payment of salary during the period of absence. Employees may continue to participate in insurance programs; however, the cost of participation shall be paid by the employee.
- F. An employee on leave of absence without guarantee of employment must do one of the following by February 1:
 1. Make written application for reinstatement: This written request is sent to Human Resources.
 - The district may require a statement from a health care provider authorizing return to work.
 - The district may, at district expense, require a district-selected health care provider to provide an authorization to return to work.
 - Individuals requesting to return to the district after being on a leave of absence without guarantee of employment will be given consideration for posted vacancies which align with the individual's license/certification.
 2. Or request a leave extension by February 1 of the school year in which the employee is on leave.
 - As indicated in Letter C above, the employee may request only one (1) extension to a leave of absence without guarantee of employment.
 - Failure to notify Human Resources by February 1 will result in educator's/teacher's name taken to the Board of Education for non-renewal action.

Leave of Absence With Guarantee of Employment

- A. An employee may apply and may be approved for a Board of Education leave of absence with guarantee of employment for the following reasons:
 - 1. Full time work on an advanced degree.
 - 2. Previously approved professionally related employment of a temporary nature as developed as a professional experience.
 - 3. Extraordinarily serious health situation for self or immediate family.
 - 4. Long term care of a parent.
 - 5. Other meritorious experiences which would directly enhance the employee professionally.
- B. Leave of absence with guarantee of employment shall not be approved for employees who have served less than two (2) full years with the District except for health reasons or maternity. Such leaves will be reviewed on an annual basis.
- C. Reinstatement shall be to a comparable position in the District and without loss of accrued benefits. An employee returning from leave shall be subject to the same conditions of assignment as a regular employee currently on duty.
- D. While on a leave of absence with guarantee of employment, benefit of illness/bereavement leave allowances shall not accrue during leave nor will accumulated leave be lost. Salary schedule increments will not be granted while on leave unless the experience during the leave is approved prior to the leave and is equivalent to work experience in the District.
- E. In case of leave with guarantee of employment for health reasons, the district may require a statement from a health care provider.
- F. Leave must be requested in written form and may be granted to begin and to end at a time agreed upon by the employee and the superintendent.
- G. Employees approved for a leave of absence with guarantee of employment may not use accrued leave benefits for the period of absence.
- H. Employees on leave with guarantee of employment are not eligible for Board paid participation in insurance programs or payment of salary during the period of absence. Employees may continue to participate in insurance programs; however, the cost of participation shall be paid by the employee.
- I. An employee on leave of absence with guarantee of employment must make written request for reinstatement, or request for leave extension, prior to February 1 of the school year in which the employee is on leave.
 - 1. The employee may request only one (1) extension to a leave of absence with guarantee of employment.
 - 2. Failure to notify Human Resources by February 1 will result in educator's/teacher's name taken to the Board of Education for non-renewal action.

VII. Professional Leave – Out-of-District Professional Activities

Staff members participating in professional development opportunities can ultimately benefit our students' learning. Meeting the educational needs of today's student requires continual updating and refining of skills. USD 233 is part of the Kansas Professional Development Program. Because the Board of Education believes in continuous professional learning, as does the administration and Professional Council, funds and time are allocated to professional development. Both in-district and out-of-district professional development opportunities are provided. Professional Leave may be granted for activities related to the employee's professional service under the following conditions: Leave for completion of the requirements of the Highly Qualified provisions, or the National Board of Professional Teaching Standards (NBPTS) certification process.

Professional Activity Approval: In order to evaluate the merits of each request of Out-of-District Professional Activities and assign funds on a priority basis, the following criteria and procedures have been developed.

Criteria:

- The activity is congruent with District philosophy.
- The activity must match goals based on the Educator Standards outlined in an approved District Staff Development Plan or Building Staff Development Plan. All plans are approved yearly by the Staff Development Council.
- Attendance at the Activity enhances the educational program provided to Olathe District students.
- Attendance at the Activity is supported by your administrator/supervisor who indicates how attendance will improve instruction, be shared with colleagues, assist in meeting goals, and ultimately benefit students.
- Individuals who are officers of organizations receive consideration, but approval is not automatic.
- Individuals who would like to be a presenter should seek approval prior to making a final commitment to present. Being selected as a presenter does not result in automatic approval.

VIII. Donor Leave for Organ, Tissue, Bone Marrow, and Blood Donation

Eligible employees may be granted paid leave without charge to other accrued leave, for the purpose of becoming a donor to another individual of organs, tissue, bone marrow, blood or blood products and recovery from the procedures involved. This may include medical testing or other procedures to determine donor compatibility. Leave for this purpose will not be considered Family and Medical Leave, is only available when the eligible employee is the donor, and does not apply to caring for other family members who are donors.

Available paid leave for this purpose includes:

- A. Up to 15 working days (120 hrs.) of paid leave without charge per fiscal year (July thru June) for donation of a kidney or any portion of a liver.
- B. Up to 5 working days (40 hrs.) of paid leave without charge per fiscal year (July thru June) for donation of adult bone marrow.
- C. One-half day (up to 4 working hours) of paid leave without charge every 6 months for the donation of blood, blood platelets, or other medically approved blood products.
- D. The combined total of paid leave for purposes A to C above for any individual employee shall not exceed 15 working days (120 hrs.) of paid leave without charge per fiscal year (July through June).

Eligibility

- A. Eligible employees for this policy include regular full-time and regular part-time employees who have been employed at least 6 months, are half-time FTE or greater, and does not include persons employed on temporary agreements or as substitutes.
- B. Employees already on approved sabbatical, other leave of absence, or temporary suspension of employment are not eligible during the duration of their current leave or suspension.
- C. For part-time employees, the term "days" of leave used herein is defined in terms of the employee's actual FTE, and all leave is converted to hours for attendance records

Requests and Approval

- A. Eligible employees must request leave for this purpose in advance through the Human Resources Division, except when deemed a medical emergency and with supporting documentation to that effect by a licensed medical professional.

- B. Requests shall be in writing on the district form approved for that purpose (form available from HR), and accompanied by medical verification including support of the request and expected duration of the leave.
- C. The employee seeking to become a donor does not have to exhaust other illness/bereavement, vacation, or personal business leave prior to requesting donor leave.

Additional information

- A. Employees granted leave under this policy will continue their regular payroll dates without interruption due to donor leave. While on donor leave, employees continue to receive the same benefits as when actively working.
- B. For the purposes of determining seniority, continuing contract status, pay advancement, other benefits, or other attendance related determinations the employee on donor leave shall be considered as having uninterrupted service.
- C. Donation of blood to a district sponsored blood drive will be considered as work time subject to supervisor approval, and does not necessitate donor leave or reporting as donor leave.

IX. Jury Duty or Other Legal Proceedings

Leave without deduction in pay may be allowed to answer a jury summons, subpoena, court summons or participation in professional employment related litigation.

X. Non-School Community Activities:

Prior approval must be obtained from the superintendent or designee for participation in non-school community activities which take place during school time.

XI. Military Leave

Leave related to military duty is covered under federal law (Uniformed Services Employment and Reemployment Rights Act (USERRA) (Appendix B, Negotiated Agreement). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment to undertake military service or certain types of service in the National Disaster Medical System.

1. An employee performing duty as defined under USERRA will be granted, at his or her request, use of any accrued vacation, Illness/Bereavement Leave and Personal Business Leave for his/her military duty period.
2. If an employee returns from approved military leave without sufficient Illness/Bereavement leave to allow him/her to take such leave with pay, the district will automatically award to the employee one additional Illness/Bereavement Leave day for each remaining month (or major portion of a month) of the current contract as needed.

Provisions 1 and 2 of this policy as well as any legal requirements under Kansas statute shall be provided to employees required by the employee's state for services in the National Guard.

XII. Political Activity Leave

General information on political activities may be found in Policy GABH. Leaves shall be granted by the Board of Education for the following situations, using the following procedures:

- A. Conducting a Campaign: A staff member who becomes a candidate for public office may use his/her currently available Personal Business Leave as outlined in policy or may request through Human Resources a leave of absence without pay for the purpose of conducting a campaign.
- B. Political Office Duties - Less Than Full Time Office: A staff member holding a political office that is less than full time may use currently available Personal Business Leave as outlined in policy and/or may request a Board approved leave of absence with guarantee of employment for the political

duties. A request may be submitted to Human Resources and approved by the Superintendent or designee. Less than full time is defined as an office that is limited in the number of hours, days and/or weeks required for holding the office.

- C. Political Office Duties – Full Time Office: A staff member holding a full time political office may use his/her currently available Personal Business Leave as outlined in policy and/or may request through Human Resources a Long Term Leave of Absence with Guarantee of Employment as outlined in section VI of this policy. Full time is defined as an office that identifies full days and the entire school year as a requirement for holding the office. A staff member will not receive service credit and salary schedule increments will not be granted while on leave serving a Full Time Political Office.
- D. Additional information for Both Less Than Full-Time and Full-Time Office:
1. Reinstatement shall be to a comparable position in the District and without loss of accrued benefits. An employee returning from leave shall be subject to the same conditions of assignment as a regular employee currently on duty.
 2. While on a leave of absence for political office duties, benefit of illness/bereavement leave allowances shall not accrue during leave nor will accumulated leave be lost.
 3. Leave must be requested in written form and may be granted to begin and end at a time agreed upon by the employee and the superintendent.
 4. Employees on leave for political office may not use accrued illness/bereavement leave benefits for the period of absence.
 5. In cases of intermittent leave, federal requirements will be adhered to when addressing health insurance benefits and district contribution.
 6. Employees on leave for political office are not eligible for Board paid participation in insurance programs or payment of salary during the period of absence. Employees may continue to participate in insurance programs however, the cost of participation shall be paid by the employee.
 7. Employees may request an extension to a leave of absence for Political Office for each term of office they may serve.

XII. Sabbatical Leave

Sabbatical leave shall be available to one educator for the fall semester and one leave shall be available for one educator for the spring semester. Sabbatical leave is available to educators for formal, full-time study (minimum of nine (9) credit hours or equivalent) at a college or university. An employee may only apply for one semester of sabbatical leave per year and only one time during their tenure with the district. Compensation shall be at the rate of fifty percent (50%) of the educator's contract salary for the semester of the sabbatical leave.

Selection Criteria: The following criteria will be used for selecting an applicant for a sabbatical.

- An applicant must have performed seven (7) years of current continuous service in the Olathe Public Schools to be eligible for sabbatical leave.
- An applicant's previous appraisal must indicate an Overall Summary Rating of effective or accomplished.
- The sabbatical request must align with either the strategic directions/goals of the district/building and/or an employee's approved Individual Professional Growth Action Plan.
- The applicants intended area of study must align with his/her current or future position with the district.

If multiple applicants submit a request, the applicant's involvement in and contribution to district/building programs and initiatives will be considered.

Sabbatical Leave Payback: Each applicant must agree to sign a statement of intent to return to service in the Olathe Public Schools immediately upon completion of sabbatical leave and for a minimum of

one (1) additional contract year. Each applicant must agree to sign a commitment to repay the amount paid during the sabbatical leave in the event the educator fails to return to the Olathe Public Schools for a minimum of one (1) additional contract year.

Application Process: Applications shall be made to a committee for sabbatical leave consisting of the superintendent, superintendent's designee, and the President of Olathe NEA. The superintendent's designee shall chair the committee. The committee shall recommend applicants for approval by the Board of Education. Application deadline for the fall shall be the previous January 1 for priority consideration and for the spring semester shall be the previous September 1 for priority consideration.

Approved Applicants: The educator will retain all rights and credits due a staff member in the Olathe Public Schools, including the Board paid portion due a half time employee for health insurance. Upon return from a sabbatical, the educator is to be assigned in a position which is comparable to the one held when assuming sabbatical leave status. An educator on sabbatical leave may not deviate from his/her approved plan except with the written permission of the superintendent or designee.

XIII. Other Approved Absences

Requests for absence for reasons not specifically cited under this policy must be submitted in writing and approved by the superintendent or designee. Approved absences will be deductions from the employee's illness/bereavement leave, personal leave, vacation leave, or will be leave without pay.

Final decision on cases not directly covered by this policy shall be left to the discretion of the superintendent or designee.