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EXPLANATION: SUPPORT STAFF LEAVES

MSBA is updating this policy to move the information regarding excessive absences and tardiness to a new policy, GBCBC. MSBA has moved this information for clarity, so that this policy may be devoted exclusively to leaves, and to allow districts room to expand on the topic of excessive employee absences.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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~~SUPPORT STAFF LEAVES AND ABSENCES~~

Consistent staffing is important to the learning environment and district operation and therefore is an essential duty of all employees. ~~When an employee is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations deteriorate, and the students suffer.~~ However, the Board recognizes that there are circumstances that require an employee to miss work, and the purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate.

~~Employees may be terminated for excessive absences. Unless authorized by the Board or the superintendent, or otherwise authorized by law, an employee's absence is considered excessive if it:~~

- ~~1. Is for a reason not granted as paid or protected leave under Board policy.~~
- ~~2. Exceeds the number of days allotted by the Board for that particular leave.~~
- ~~3. Exceeds five days a month, 20 days in a semester or 40 days per school year, notwithstanding the amount of paid leave accumulated.~~

~~No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA) or other applicable law (see Board policy GBBDA).~~

The district may require an employee to provide the district verification of illness from a healthcare provider ~~or supply other documentation verifying the absence~~ before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

Definitions

At-Will Employment -- Employment for an indefinite period that may be resigned or terminated in accordance with Board policy.

Period of Active Employment -- Days when an employee is expected to be at work. Each employee will be notified as to the length of his or her period of active employment.

Authorized Leaves

Absence from duty of any member of the support staff hinders the effectiveness of the school system. However, the Board of Education recognizes that there are times when it is absolutely necessary for employees to be absent from duty and has set up a plan that provides for certain authorized absences.

For certain authorized leaves, the district will ensure the support employee against loss of salary. For some leaves, no pay will be provided and some leaves will not be authorized.

Coverage

- ▶ All regular support staff employees of the school system are covered.
- ▶ Temporary or substitute employees are not covered unless otherwise noted..

Paid Leave

Within this category, support staff will be provided nine days of paid leave per year. The unused leave days each year will accumulate. The accumulation will be unlimited, except where specifically noted, and the accumulated leave may be used in subsequent years.

In case of a necessary absence of an employee, he or she shall notify the supervisor at the earliest possible time so that a substitute may be provided. Likewise, the supervisor should be notified in regard to the employee's return to work in time to discontinue the services of the substitute.

The following leaves with pay will be provided to full-time support staff employees:

1. **Personal Illness** (including illness, injury or incapacity of the employee) – The Board reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

A district employee may not use paid leave during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Any support staff employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

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2. **Family Illness** – Family illness is limited to illness, injury or incapacity of an employee’s immediate family. The Board defines "immediate family" to include:

- ▶ The employee's spouse.
- ▶ The following relatives of the employee or the employee's spouse: parents, children, children's spouses, siblings and any other family member residing with the employee.
- ▶ Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.
(Note: "Family" for FMLA purposes is more limited.)

Family illness in combination with bereavement leave is limited to not more than a total of nine days paid leave in any one year. In a critical situation, the number of days may be extended by the Board of Education within the limits of accumulated leave. Unpaid leave may be granted in accordance with the FMLA.

3. **Personal Leave** – Two personal leave days each year are granted to each employee. This leave will be allowed to accumulate to a maximum of five days. Should five days of personal leave be accumulated, all future personal leave days will accumulate as sick leave days.

Absences may be charged against personal leave for court appearances, unless applicable law or policy provides for paid leave.

A written request for use of personal days must be made to the supervisor two days in advance, unless the situation is an emergency. Use of personal leave is subject to supervisor’s approval. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. Personal days cannot be taken on the day immediately preceding or following a scheduled school holiday. The two days of personal leave will be earned on a pro rata factor based on an employee’s work days.

A district employee may not use personal leave days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

4. **Vacation** – Support staff employees working a minimum of 249 days shall be entitled to two weeks of vacation with pay. However, this rule does not apply until after one full year of employment in the Camdenton R-III School System. Employees who have worked a

minimum of 249 days for ten years will earn an additional week of vacation per year for a total of three weeks of vacation per year.

Employees may not accumulate more than one year of vacation days on the anniversary date of employment, unless approved by the superintendent. Vacation days are earned monthly but credited for the year at the time of employment. An employee must submit a written request for vacation to his or her supervisor and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the supervisor has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

If employment is terminated early for any reason, vacation days will be pro-rated based on the number of days worked.

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

5. **Bereavement Leave** – After an employee has had one year of employment with the district, the employee may take bereavement leave as set out below. The district may require verification of the need for the leave.

Immediate Family – When a death occurs in the employee's immediate family, the employee may take up to three days off with pay. The Board defines "immediate family" for this leave to include:

- ▶ The employee's spouse.
- ▶ The following relatives of the employee or the employee's spouse: parents, children, children's spouses and siblings.

Use of the three days of bereavement leave for immediate family would not reduce any possible payouts under the on-the-job incentive plan.

Extended Family – The number of days an employee may take for bereavement leave for an extended family member's death will be determined by the principal and superintendent in consultation with the employee and will be taken from the employee's accrued paid leave. Bereavement leave in combination with family illness is limited to not more than nine days paid leave per year. The Board defines "extended family" for this leave to include:

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- ▶ The following relatives of the employee or the employee's spouse: grandparents, grandchildren, nieces, nephews, aunts, uncles and any other family member residing with the employee.
- ▶ Close personal friends of the employee.
- ▶ Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

Unless otherwise provided, the following leaves will be provided to full-time support staff employees.

1. **Holidays** – The Camdenton R-III School District will pay support staff for the following holidays provided the holiday falls during the period of active employment: Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Presidents' Day and Memorial Day.

The district will grant paid and unpaid holidays in accordance with the academic calendar adopted by the Board. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year. Should a paid holiday fall on Saturday or Sunday, the following Monday will become a paid holiday.

Should school be in session on an assigned nonworking day, then the July 3 following will be given as a comp day. Should July 3 fall on a Saturday or Sunday, the following Monday will be the paid holiday and the following Tuesday will be the paid holiday for Independence Day.

2. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the immediate supervisor, arranged well in advance and is not considered personal leave.

Support staff employees shall attend meetings and/or workshops called by their supervisor. Expenses incurred by support personnel attending required workshops out-of-district will be reimbursed by the district.

Should a meeting/workshop be held on a day when employees would not be expected to work, employees will be compensated for attending said workshop or given compensatory time off.

3. **Military Leave** – The Board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
5. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.
6. **Jury Duty Leave** – Both the philosophy and the policies of the Camdenton R-III School System have always attempted to foster and promote educational development and growth as well as community service, not only of the students in the system, but also of the certified faculty, support staff and administrators. Jury service is one of those areas of community service. Thus, the purpose of this policy is to assure that the Camdenton R-III School District does not monetarily penalize support staff for performing their community duty by serving on a jury when called to do so.
 - a. It shall be the policy of the Camdenton R-III Board of Education to pay those support staff who are called to jury duty as jurors during their period of active employment the difference between what they would receive in monthly salary had they not been called to jury duty and the pay they would receive as jurors.

This policy will be implemented by subtracting the amount of money paid to the support staff member by the court for jury service from the monthly salary. Paid leave for jury duty will include time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury.

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- b. This policy shall apply to only those days missed that would have resulted in loss of salary or pay had this policy not been enacted.
 - c. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
7. **Leave for Court Subpoena** – If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave** – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.
9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.
10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard

Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall only apply up to six weeks of accrued paid leave to such absences.

Employees who are ineligible for FMLA leave may take up to six weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued sick leave, personal leave, vacation leave or unpaid leave.

Pregnant employees who need more than six weeks of paid or unpaid leave for a pregnancy-related incapacity must provide certification of the medical necessity for such leave. The district will charge employee's sick leave days to such absences.

Compensation For Unused Paid Leave

Employees covered by the sick leave policy for the Camdenton R-III School District, when retiring or resigning from the system, will be paid for any unused leave which has accumulated since September 1969. Employees must complete two and one-half (2 ½) years of service with the district to be eligible to draw unused leave pay. The district will not provide unused leave pay to employees who leave the district after less than two and one-half (2 ½) years of service or to employees who are terminated by the Board of Education. They will be paid at the following rates:

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Years of Service in the Camdenton District	Amount Paid Per Day for Unused Leave Days (Sick and Personal) is Based on ½ of
2 ½ up to 4	50%
4 up to 9	65%
9 up to 16	80%
16 or more	100%

Example: Assume employee had worked for a period of ten years, employee had accumulated 80 days leave and was making a daily salary of \$70, to figure reimbursement for unused leave days. One-half (½) of \$70 equals \$35. 80% of \$35 = \$28. \$28 x 80 days = \$2240.00.

These same benefits will go to the nearest survivor should an employee die while employed by the Camdenton R-III School District. The beneficiary designation will be consistent with the employee's Board-paid life insurance policy.

No pay for unused leave will be provided to employees who leave the district after less than two and one-half (2½) years of employment or to employees terminated for cause.

Short-Term Leave of Absence Without Pay

Support personnel may find themselves in unusual circumstances where they are compelled to be absent for unusual or unforeseen reasons. The superintendent may grant up to five days of leave without pay in these circumstances. A request must be submitted to the employee's supervisor in writing. Unused personal days may be used in place of unpaid leave days in the short-term leave request.

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Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

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07/16/2007; 04/14/2008; 10/13/2008; 08/10/2009; 03/08/2010; 12/13/2010;
06/11/2012; 04/08/2013;

Cross Refs: DLB, Salary Deductions
HA, Negotiations with Employee Representatives
HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: §§ 41.1000, .1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 320.200, .330 -
.339, 494.460, 595.209, RSMo.
Fair Labor Standards Act, 29 U.S.C. §§ 201 - 2198(c)
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619
Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. § 2000e(k)-1 - 2000e-17
29 C.F.R. § 1604.10

~~Willis v. School Dist. of Kansas City, 606 S.W.2d 189 (Mo. Ct. App. 1980)~~
~~Stewart v. Board of Educ. of Ritenour, 574 S.W.2d 471 (Mo. Ct. App. 1978)~~
~~Aubuchon v. Gasconade County R-1 Sch. Dist., 541 S.W.2d 322 (Mo. Ct. App. 1976)~~

Camdenton R-III School District, Camdenton, Missouri