

Policy GCBDA: PROFESSIONAL STAFF SHORT-TERM LEAVES

Status: DRAFT

Original Adopted Date: 12/16/1999 | Last Revised Date: 06/20/2024 | Last Reviewed Date: 06/20/2024

24C UPDATE EXPLANATION

This policy was revised for clarity. It was also amended to more clearly address leaves for part-time employees. Please carefully review the language to ensure it accurately reflects your district's practices. If not, please take the time to modify the policy accordingly.

This policy was also amended to align with the Pregnant Workers Fairness Act (PWFA), a new federal law that requires employers with 15 or more employees to provide accommodations to employees' known physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. This obligation exists even if the condition does not rise to the level of a disability. Lactation is obviously one of the physical conditions arising out of pregnancy.

Under the PWFA, it is illegal for an employer to:

1. Not make reasonable accommodations for a pregnant employee experiencing any limitation related to pregnancy or related conditions (a "qualified employee") unless the district can demonstrate that the accommodations would impose an undue hardship on the operation of the district's business;
2. Require an employee to accept an accommodation other than a reasonable accommodation arrived at through an interactive process;
3. Deny employment opportunities to an employee because the employee needs an accommodation;
4. Require a qualified employee to take paid or unpaid leave if another reasonable accommodation can be provided to the known limitations; or
5. Take adverse employment action against a qualified employee because the employee requested or used a reasonable accommodation.

This policy has also been revised to clarify and simplify when employees may use paid leave during extended absences. The limitation to six weeks of paid leave in case of extended absences related to pregnancy has been removed. MSBA initially put that language in the policy to encourage employees who were eligible for FMLA leave to return to work. This is still a worthy policy goal. However, some districts have had difficulty explaining to employees why they are entitled to take time off under the FMLA but they cannot use their accumulated paid leave for the absence. Further, because districts pay employees for unused leave days, some districts prefer that employees use those days. For these reasons, MSBA has altered its standard policy. However, districts may customize this language to meet the needs of the district.

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. 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.

To the extent permitted by law, 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 annual 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.

The following leaves with pay will be provided to full-time professional ~~staff~~ employees. Regular full-time professional ~~staff~~ employees are defined as working at least six hours per day or 30 hours per week over a nine-month period. This policy does not apply to temporary or substitute ~~staff member~~ employees unless otherwise noted.

Annual Leave Days

Annual leave days (ALD) are available to full-time professional ~~staff~~ employees to provide greater flexibility in the use

of their time off. Professional ~~staff~~ employees will receive 12 days of leave per fiscal year. Each employee shall have ~~his or her~~ their current and cumulative ALD available beginning on ~~his or her~~ their first working day of each school year or employment contract. Unused ALD will be cumulative to 120 days.

Annual leave days shall be earned over the full term of employment. Therefore, employees working less than a full term (new hires or terminations) shall receive a prorated share of the ALD based on length of employment during the current school year compared to a full term of employment. If an employee starts on or before the fifteenth of the month, the employee will receive one ALD for that month. If an employee starts after the fifteenth of the month, the employee will not receive an ALD for that month.

For employees terminating employment, adjustments will be made in the final payroll check. Any employees receiving an overpayment shall reimburse the district within 30 days of termination.

Absences may be charged against ALD for the following reasons:

- a. 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. The Family and Medical Leave Act (FMLA) health certification procedures apply to FMLA-qualifying absences, even if such absences are paid ALD.
- b. Illness, injury, or incapacity of a member of the 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, grandparents, grandchildren, 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.)

- c. Pregnancy, childbirth, and adoption leave in accordance with this policy and the law.
- d. Tax investigation.
- e. Court appearances, unless applicable law or policy provides for paid leave.
- f. Wedding or graduation.
- g. Observance of a religious holiday.
- h. Conducting personal business of such a nature that cannot be performed on a Saturday, Sunday, or before or after school hours. This also includes medical or dental appointments. Since nine, ten, and eleven-month employees are not eligible for vacation leave during the year, extended personal business leave may be used for special events one time per year. If an employee uses personal business leave for this reason, a maximum of three consecutive personal business days can be used, but must be approved by the superintendent or designee. If more than three consecutive personal business days are needed, all days in excess of three will be docked at the employee's daily rate of pay. Additional personal business days may be used throughout the year; however, no more than two consecutive personal business days may be taken at a time.
- i. Absences under leaves authorized by law, policy, or the board that would otherwise be unpaid including, but not limited to, leave under the FMLA.
- j. ~~Staff members~~ Employees who are ill are encouraged may be required 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.

- k. Other personal situations approved by the superintendent or designee.

Guidelines for ALD Use

1. District employees may not use sick leave during the period they receive Workers' Compensation for time lost to work-related incidents.
2. Any professional employees who are members of a retirement system shall remain members during any leave period of leave taken under district ALD provisions of the district or under Workers' Compensation. The employees shall also receive creditable service credit for such leave time if they make contributions to the system equal to the amount of contributions that he or she they would have made had he or she they been on active service status.
3. ALD may not be taken in increments of less than half days. If feasible, a staff member employees may elect to find coverage, approved by a supervisor, from within his or her their own site to cover for less than a two-hour period. If the leave exceeds two hours, the employee will be charged with a half-day leave.
4. ALD must be scheduled at least 48 hours in advance, whenever possible, and must be approved by the employee's immediate supervisor except for unexpected illness, emergencies, or unusual circumstances. However, a 30-day notice is required by law if the leave qualifies as FMLA leave and such notice is practical. Employees must also comply with established procedures for notification of absence and arrangements for substitute coverage. Employees who are unexpectedly absent and provide proper notification to obtain a substitute but are unable to receive prior approval by his or her their supervisor may be subject to denial of ALD use and/or disciplinary action if the absence does not fall within one of the above exceptions. The use of ALD may be limited based on substitute availability.
5. Paid ALD are considered time worked for benefit purposes, but they shall not be considered as hours worked for overtime purposes.
6. In the event of an employee's death, all accrued ALD shall be paid to the designated beneficiary at the current daily rate of pay for a certified substitute teacher.
7. Requests for advances on unearned ALD shall not be permitted.
8. Paid ALD shall not be used on the following days, unless approved by an administrator:
 - a. Before or after a holiday or break in school attendance.
 - b. All professional development days.
 - c. During the first or last five student contact days of the year.
 - d. Parent-Teacher Conferences.
9. An employee who is absent for reasons other than those specified under board rules, or by reason of fraudulent application of district leave provisions, shall be subject to disciplinary action that may include pay reduction, and other sanctions, up to and including termination of employment.

ALD Reimbursement

All employees will be reimbursed at the rate of \$75 per day for each day of unused ALD over and above the maximum accumulation of 120 days at the conclusion of any fiscal year in which this occurs.

Employees with at least three, but not more than ten, years of continuous service will be reimbursed at half the rate of certified substitute teacher pay, for each accumulated ALD, upon voluntary resignation or retirement from the school district. Current year award of ALD will be prorated for payout depending on resignation or retirement date.

Employees who are terminated or nonrenewed are not eligible for this benefit. Employees leaving the district for any reason who have not acquired three years of service will forfeit any remaining ALD.

Longevity Stipend

Continuous service and experience are valuable assets to our school district. Therefore, all employees with ten or more years of service in the Platte County R-3 School District shall receive a Longevity Incentive Stipend provided they leave the district due to resignation or regular service retirement through the Public School Retirement System of Missouri (PSRS). Total years of service credit will be prorated for payout depending on resignation or retirement date. If an employee resigns or retires on or before January 1, the employee will receive half of a year service credit. If the employee resigns or retires after January 1, the employee will receive a full year of service credit. Employees who are terminated or nonrenewed are not eligible for this benefit. Employees with less than ten years vested in the district are not eligible for this benefit.

The longevity stipend amount will be calculated by multiplying the employee's remaining ALD balance by the current daily rate of pay for a certified substitute teacher.

Early Retirement Announcement

Certificated staff employees submitting their notice to retire in writing to the board prior to January 15 of the school year shall receive a one-time payment of \$1,500. The employee must submit notification of retirement from PSRS and payment will be made at the end of the fiscal year.

Administrators submitting their notice to retire in writing to the board prior to October 1 of the school year, shall be paid a one-time payment of \$1,500. The employee must submit notification of retirement from PSRS and payment will be made after at the end of the fiscal year.

Vacation

All professional staff employed on a 12-month basis will be awarded their vacation time at the beginning of the fiscal year. The fiscal year of July 1 through June 30 shall be used as a base for vacation allowance.

- Professional staff with 260 work days shall earn 20 days of paid vacation per year.
- Professional staff with 236 work days shall earn 15 days of paid vacation per year.

The following provisions shall apply to full-time professional staff employed on a 12-month basis working 30 hours a week or six hours a day.

1. Administrators, directors, and other supervisory personnel will receive up to 20 days of vacation per year, to be determined by the superintendent. Vacation will be available on the first day of employment.
2. Employees hired after July 1 will have their vacation days prorated on a monthly basis until the following fiscal year. Employees who start on or before the fifteenth of the month will receive vacation credit for that month. Employees who start after the fifteenth will not receive vacation credit for that month.
3. Employees must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.
4. Employees who does do not use all of his or her their vacation days by the end of each fiscal year will be reimbursed at the long-term rate of pay for a certified substitute teacher.
5. District employees may not use vacation days during the period they employee receives W workers' C compensation for time lost to work-related incidents.
6. District employees who has have not used all of his or her their vacation during the fiscal year will be paid out a pro-rated amount of vacation days at the long-term rate of pay for a certified substitute teacher. Employees who are terminated or nonrenewed are not eligible for this benefit.

Paid Holidays

The following are made available to full time professional employees with 260 work days: July 4, Labor Day, Thanksgiving, Christmas, New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Good Friday, Memorial Day, and Juneteenth, as well as eight floating holidays (to include the week between Christmas and New Year's), as determined by the superintendent or designee based on the academic calendar. 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.

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

1. **Bereavement Leave** – Staff Employees will be granted a leave of absence upon request when a death in the immediate family requires the staff member's employee's absence from the district. There will be no deduction in salary or ALD for a period not to exceed three workdays per fiscal year. If additional absence is required, ALD will be deducted.

For purposes of this policy, an immediate relative is defined as:

- The employee's spouse.
 - The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, 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.
2. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors, or participate in other district-approved professional growth activities. Professional leave is not considered personal leave and must be approved by the superintendent or designee, and arranged well in advance and is not considered personal leave.
 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 Employees who are appointed as to be election judges pursuant to state law may be absent on any election day for the period of time required by the election authority. The Employees must notify the district at least seven days prior to any election in which they employee will serve as an election judge. No Employees will not be terminated, disciplined, threatened, or otherwise subjected to adverse action based on their employee's service as an election judges.
 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 the 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** – An Employees will be granted paid leave for 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. An Employees will not be terminated, disciplined, threatened, or otherwise subjected to adverse action because of their employee's receipt of or response to a jury summons. The Employees will need to provide documentation of jury duty to a supervisor.

7. **Leave for Court Subpoena** – If the Employees who receive a subpoena is directly related to the employee's school or their work duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from the employee's available ALD 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 Disaster Medical Assistance Team-1, 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 Employees 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 or ALD's 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 Employees 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 employees 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 employees be exempted from responding to a specific mission.
12. **Victims' Economic Safety and Security Act (VESSA) Leave** – Employees may take unpaid leave in accordance with law for absences related to domestic or sexual violence where an employee, an employee's family member, or a person residing in the employee's household has been the victim of domestic or sexual violence. Leave may be taken intermittently or on a reduced work schedule. Two workweeks of unpaid leave will be available in a 12-month period, except that employees of districts with fewer than 50 employees but at least 20 employees will be limited to one workweek of unpaid leave. Employees may use accumulated paid leave or compensatory time concurrently with unpaid VESSA leave. VESSA leave does not create a right for employees to take unpaid leave that exceeds the amount of unpaid leave time under FMLA. Employees are required to give 48 hours' notice of the need for leave unless such notice is not practicable. The district may require certification of the need for leave, which may include documentation from an entity aiding the victim, a police or court record, or other corroborating evidence. Information provided by the employee in conjunction with the use of this leave will be confidential in accordance with law.

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 and will be limited to 12 weeks of leave for this purpose. These employees may use any applicable ALD and vacation leave the employee has accrued. If eligible, employees may also draw up to 60 days from the sick leave pool in accordance with sick leave pool guidelines. However, the total leave cannot exceed 12 weeks. Employees whose FMLA leave exceeds their applicable accrued paid leave may use unpaid leave for the remainder of the FMLA absence as allowed by law.

Employees who are not eligible for FMLA leave may use all accumulated ALD and vacation take up to six weeks of unpaid leave for the birth, first-year care, adoption, or foster care of a child. Additional unpaid leave will be granted if a doctor certifies that such leave is necessary because the mother is not released to work, or the child or the mother has a serious health condition. However, the paid and unpaid leave cannot exceed six weeks of leave. The district will apply to such absences any applicable paid leave the employee has accrued. Employees who have not accrued a sufficient amount of paid leave will be provided unpaid leave.

Employees who need additional leave or other accommodations for a limitation related to pregnancy, childbirth, or related medical conditions should communicate their need for accommodation to any person who supervises, manages, or directs any of their work, and the district will afford accommodations as required by law. Additional unpaid leave may be an accommodation under the Pregnant Workers' Fairness Act (PWFA) in some circumstances, but the district will not require employees to accept leave as an accommodation without engaging in an interactive process to determine appropriate accommodations.

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

§ 115.102, RSMo.
§ 115.639, RSMo.
§ 168.122, RSMo.
§ 169.595, RSMo.
§ 320.200, RSMo.
§ 41.1000, RSMo.
§ 41.1005, RSMo.
§ 494.460, RSMo.
§ 595.209, RSMo.
§§ 105.270-.271, RSMo.
§§ 285.625-670
§§ 320.330-.339, RSMo.

Description

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Federal References

29 C.F.R. § 1604.10
29 U.S.C. §§ 2611-2619

Description

[Federal Regulation](#)
[Family and Medical Leave Act](#)

Federal References

29 U.S.C. § 216(c)

42 U.S.C. §§ 2000d-2000d-7

42 U.S.C. §§ 2000e-1-2000e-17

42 U.S.C. §§ 2000gg-1 – 2000gg-6

Cross References

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Description

[Fair Labor Standards Act](#)

[Title VI of the Civil Rights Act of 1964](#)

[Title VII of the Civil Rights Act of 1964](#)

[Pregnant Workers Fairness Act](#)

Description

[SALARY DEDUCTIONS](#)

[EMPLOYEE WALKOUTS, STRIKES AND OTHER DISRUPTIONS](#)

[ACADEMIC CALENDAR](#)

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