



Policy 5400 – Leave of Absence

The Board believes that the provision of leaves in addition to the contractual leaves provided by the **Master Negotiated** Agreement helps to attract and retain staff members who will continue to grow professionally, maintain their physical health, and have a feeling of security.

The Board has the authority to grant any employee's request for a leave of absence. A leave of absence may be at the request of the employee or may be done involuntarily by action of the Board. The Board may also delegate this authority to a designee.

ALTERNATIVE 1: Delegation of Authority

Through this policy, the Board has delegated this ongoing authority to the Superintendent **or Superintendent designee**, both with regard to acceptance of an employee's request for leave of absence as well as an action of placing a certificated employee on an involuntarily leave of absence.

Upon the Superintendent's action to place a certificated employee on a period of involuntary leave of absence, the Board shall ratify or nullify action of the Superintendent at the next regularly scheduled meeting of the Board or at a special meeting of the Board should the next regularly scheduled meeting of the Board not be within a period of 21 days from the date of the action. Whether such leave is with pay or without pay shall be determined when applying the appropriate principles of Section 33-513(7), Idaho Code.

A Superintendent's acceptance of a certificated employee's request for leave of absence shall be put before the Board for ratification at the next regularly scheduled meeting of the Board or within 21 days, whichever comes first.】

[OPTIONAL ADDITION TO ALTERNATIVE 1: The Superintendent **or Superintendent designee is delegated the authority to address classified personnel leave without notification to the Board and is delegated authority to address classified personnel discipline and termination without Board approval.]**

The Superintendent designee only has authority to act in instances that the Superintendent is not available.



[ALTERNATIVE 2: Retaining Authority

~~The Board has not delegated authority for the Superintendent to accept an employee's request for administrative leave or to place a certificated employee on a period of involuntary leave of absence.]~~

[OPTIONAL: Considerations for Involuntary Leave

If the Superintendent or Board is making a decision as to whether or not to place an employee on a period of involuntary leave of absence, some of the considerations in making such a decision may include:

1. Whether or not the conduct at issue involves a possible:
 - A. Criminal act;
 - B. Violation of the Code of Ethics for Idaho Professional Educators;
 - C. A violation of federal or state education laws or regulations; or
 - D. A violation of District Policy and/or Procedure.
2. Whether or not the conduct at issue involves the health, welfare, or safety of the District's students or employees.
3. Whether or not there is an event identified.
4. If the event involves an allegation of abuse of a student or minor, is there an "identified victim" or some other information that provides indicia of credibility.
5. If the event involves an allegation of abuse of a student or minor, is the report in question anonymous or are there any other indicia of credibility.
6. Whether or not there is an identified victim or identified event that the District could investigate.
7. Whether or not there **is** a concern that the presence of the employee on school property could be detrimental to the investigation process and/or a concern that the employee and/or the presence of the employee interfere with the investigation process.
8. Whether or not there is an ongoing/related criminal investigation associated with the same alleged event or allegations.]



Sick Leave

~~Classified~~ Employees who regularly work 20 hours or more per week/~~145+ contract days and certificated employees who work half time or more per week~~ shall be granted 10 sick leave ~~days and other leaves~~ in accordance with State law. Employees who regularly work 30 hours or more per week/~~156+ contract days~~ shall be granted 14 sick leave days in accordance with State law. ~~Each such employee shall be granted sick leave with full pay of one day as projected for the employment year for each month of service in which he or she works a majority portion of that month. Sick leave for classified employees shall be calculated proportionate to the average hours worked per day. Sick leave for certificated employees shall be calculated by the day, or percentage thereof, as defined in his or her individual employment contract..~~ Leave will only be granted in units of half or full days.

The District may, in its discretion, require proof of illness when deemed appropriate, including but not limited to suspicion of abuse of sick leave or false claims of illness. Compensation shall not be provided for unused sick leave.

“Sick leave” means a leave of absence, with pay, for a sickness suffered by an employee or his or her immediate family. “Immediate family” for purposes of sick leave shall mean the employee’s spouse ~~or partner, child or parent, and children residing in the employee’s household~~. Nothing in this policy guarantees approval of the granting of such leave in any instance. Each request will be judged by the District in accordance with this policy and the needs of the District.

~~It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits. Seniority will not accumulate unless an employee is in a paid status.~~ Abuse of sick leave is cause for discipline up to and including termination.

Accrual of Unused Sick Leave

Employees may accrue unused sick leave. Upon retirement, an employee’s accumulated unused sick leave must be reported by the District to the public employee retirement system.

Personal Leave



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Employees who regularly work 20 hours or more per week/145+ contract days shall be granted 4 personal leave days. Employees who regularly work 170+ contract days shall be granted 5 personal leave days. Leave will only be granted in units of half or full days. Personal Leave is accumulative. Personal leave in excess of the accumulative amount of six (6) days will be compensated at a rate of \$96 per day for any day over six (6) in the June payroll. At the time of retirement, any remaining personal leave (up to six days) will also be paid out at the same rate. However, personal leave will not be paid out at the end of employment for any other reason.

Employees requesting personal leave must submit the request through the district leave software at least 24 hours in advance. If the district is unable to secure an appropriate substitute, the request can be denied.

Bereavement Leave

An employee who has a death in the **immediate** family shall be eligible for bereavement leave. ~~“Immediate family” for purposes of bereavement leave shall mean~~
~~_____.~~ ~~The Superintendent shall have the authority to give bereavement leave for up to five days. Bereavement leave of greater than five days must be approved by the Board. Such leave shall not exceed ten days. Bereavement leave will be granted in the following manner. Up to five (5) days are allowed for the loss of a spouse or child. Up to three (3) days are allowed for the loss of a parent, parent in-law, daughter in-law, or son in-law. One (1) day of leave will be granted for the loss of a sibling, grandparent, grandchild, brother in-law, or sister-in-law. Any bereavement days beyond those specifically outlined above must be approved by the building principal and superintendent based upon circumstances.~~

~~Personal and~~ Emergency Leave or Leave Without Pay

Upon recommendation of the Superintendent, and in accordance with law and District policy, ~~classified staff employees~~ may be granted ~~personal emergency~~ leave pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leaves are to include expenses payable by the District, the leave approval will so state;
2. Leave will only be granted in units of half or full days;



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3. ~~Notice of at least one week is required for any personal leave of less than one week. Notice of one month is required for any personal leave exceeding one week;~~
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4. The Superintendent, ~~with approval of the Board,~~ shall have the flexibility, in unusual or exceptional circumstances, to grant ~~personal emergency~~ leave to employees not covered by sick or any other District recognized leave. During any ~~personal emergency~~ leave of greater than 15 days, the employee will not receive fringe benefits. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that such is acceptable to the insurance carrier. ~~Staff using personal leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence.~~

Legal Reference:

Legal References

42 USC §§ 2000(e), et seq.

Description

Title VII of Civil Rights Act of 1964 (Equal Opportunity Employment)

IC § 33-1216, et seq.

Teachers - Sick and Other Leave

IC § 33-1228

Teachers - Severance Allowance at Retirement

IC § 33-513

Professional Personnel

Other References

ISBA Policy Services

Description

<https://www.idsba.org/member-services/policy/>

Adopted:

Revised:

Reviewed: