

**Policy GBRI: Absence From Duty**

**Status:** DRAFT

**Original Adopted Date:** 09/17/2007 | **Last Revised Date:** 03/18/2024 | **Last Reviewed Date:** 03/18/2024

Except as otherwise provided for herein, for purposes of this policy, the term “employee” means any employee of the Jackson County School District other than bus drivers and bus aides, who are recommended to work twenty (20) hours or more per week. “Certified employees” means any employee of the Jackson County School District required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development. This policy is meant to comply with Miss. Code Ann. §37-7-307 and shall be interpreted in accordance therewith.

**Sick Leave:**

Each employee at the beginning of each school year, shall be credited with a minimum sick leave allowance, with pay, of seven (7) days for absences caused by illness or physical disability of the employee during that school year. Part-time employees shall receive sick leave on a prorated for their equivalent schedule of work days. Employees hired after the beginning of the school year shall receive a prorated leave allowance equivalent to the number of days on their contract.

Any unused part of the total sick leave allowance shall be carried over to the next school year and credited to such employee if the employee remains employed with the District. In the event a certified employee or teacher assistant transfers to another public school district in Mississippi, any unused portion of the total sick leave allowance credited to such certified employee or teacher assistant shall be credited to such certified employee or teacher assistant in the computation of unused leave for retirement purposes under Miss. Code Ann. §25-11-109. Accumulation of sick leave allowed under this policy shall be unlimited.

Employees shall be credited one (1) additional day of sick leave, cumulative to seven (7) days per school year. Employees who work ten, eleven, or twelve months per their contracts will receive an additional day of sick leave for each additional month of full-time work.

No deduction from the pay of such an employee may be made because of the absence of such employee caused by illness or physical disability until after all sick leave allowance credited to such licensed employee or teacher's assistant has been used.

Sick leave can only be used for illness or physical disability of the employee or employee's family during the school year. Sick leave may be used for illness, or death of members of the immediate family: a father, mother, spouse, brother, sister, child, father-in-law, mother-in-law, brother-in-law, sister-in-law, or foster parents and foster children, or grandparents of employee or spouse. Sick leave may also be used to bond with the newborn child of, adopted child of, or child placed for foster care with the employee. Bonding may only be used within twelve (12) months of the birth or placement.

After being absent five (5) consecutive days due to any employee or family illness or physical disability, a certified employee is required to submit a written statement to the JCSD superintendent for the school board for review. This requirement is waived for certified employees who are on FMLA. An individual abusing this policy may have all cumulative and credited current leave canceled.

After being absent five (5) consecutive days due to an employee, family illness, or physical disability, an employee may be required to submit a written statement to his/her supervisor for review. If requested, the employee will furnish the JCSD superintendent with an official medical statement of justification of the extended absence for possible review by the board of Education. These requests will not be made for employees out of FMLA. An individual abusing this policy may have all cumulative and credited current leave canceled.

For the first ten (10) days of absence of a certified employee because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee, there shall be deducted from the pay of such certified employee the established substitute amount of certified employee compensation paid in that local school district. In lieu of deducting the established substitute amount from the pay of such certified employee, the policy may allow the certified employee to receive full pay for the first ten (10) days of absence because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such certified employee. Thereafter, the regular pay of such absent certified employee shall be suspended and withheld in its entirety for any period of absence because of illness or physical disability during that school year.

For the first ten (10) days of absence of an employee due to illness or physical disability, in any school year, in excess of the sick leave allowance credited to the employee, there shall be deducted from the pay of such employee the amount equal to the minimum wage rate times the number of hours that employee was absent. Thereafter, an amount equal to the annual salary divided by the number of hours per year the person is to be on duty times the number of hours absent will be deducted from his/her salary.

The monthly cut-off date used for twelve (12) month staff shall be as follows: Dock pay will be turned in on twelve-month staff through the end of the month if the employee is expected to be out through that date. If dock pay has already been turned in prior to a twelve-month employee's absence not covered by leave days, a telephone call shall be made to payroll before direct deposit/paychecks are processed for that month, followed by revised dock sheets.

#### **Professional Leave:**

Paid leave for professional development, training, or other work outside the employee's normal workdays may be approved by the employee's supervisor. Each employee shall be credited with a professional leave allowance, with pay, for each day of absence by reason of such employee's required attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, The Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the meetings of the state textbook rating committees, or other meetings authorized by local school board or superintendent.

#### **Personal Leave and Vacation:**

Each employee will be credited with two (2) personal days for absences caused by personal reasons during the school year. Personal days may be used in lieu of sick days only when all sick days have been exhausted. Employees may not utilize more than two (2) consecutive personal days during a school year without prior approval from the Superintendent. In the event an employee wishes to seek approval to utilize more than two (2) consecutive personal days during a school year, the requesting employee shall submit a letter of request to the Superintendent before the first proposed day of absence from duty.

Personal leave shall not be taken by employees on the first day of the school term, the last day of the school term, on a day previous to a holiday, or a day after a holiday, except in the following circumstances: (i) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, an immediate family member of the employee is being deployed for military service. (ii) Personal leave may be taken on a day previous to a holiday or a day after a holiday if an employee of a school district has either a minimum of ten (10) years experience as an employee of that school district or a minimum of thirty (30) day of unused accumulated leave that has been earned while employed in that school district. (iii) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, the employee has been summoned to appear for jury duty or as a witness in court.

Full-time employees who work twelve (12) months will receive ten (10) days of vacation days per year. If a 12-month employee leaves early in a fiscal year, that employee will have 0.83 days of vacation removed from their balance for each full month not worked.

Any unused personal and vacation leave at the end of the school year, up to five (5) days, may be carried over to the next school year, if the employee remains employed in the District. Any unused personal or vacation leave at the end of the school year, in excess of five (5) days, shall be converted to sick leave and carried over to the next school year (as sick leave). Thus, unused personal and vacation leave beyond five (5) days will be converted to sick leave the following school year. The annual conversion of unused vacation or personal leave for sick days shall not exceed the allowable number of personal leave days provided in Miss. Code Ann. §25-3-93. The annual total number of converted unused vacation and/or personal days added to the annual unused sick days for any employee shall not exceed the combined allowable number of days per year provided in Miss. Code Ann. §25-3-93 and §25-3-95.

If a certified employee is absent ½ day or less, ½ day of leave will be charged. Certified employees absent more than ½ day will be charged one full day's leave. If a non-certified employee is absent from work, their time will be charged hour for hour.

#### **Disposition of Leave upon Notice of Termination or Retirement:**

Employees, upon termination, will be compensated for any unused compensatory leave balance, per school policy

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Certified employees, upon retirement from employment, may elect to be paid for not more than thirty (30) days of unused accumulated leave earned while employed with this district at a rate equal to the daily long-term substitute teacher rate per day. Upon retirement from employment, employees may elect to be paid for not more than 240 hours of unused accumulated leave earned while employed with this district at a rate equal to the federal minimum wage per hour. The payment shall be made on their final paycheck and shall be treated in the same manner for retirement purposes as a lump sum payment for personal leave as provided in Miss. Code Ann. §25-11-103. Any remaining lawfully credited unused leave, for which payment has not been made, shall be credited to PERS subject to the limitations provided by law.

In the event of death, a maximum of thirty (30) days of paid leave may be reported as wages. All such payments are subject to the maximum annual earnings limitation.

Unless retiring, under no circumstances will a terminating employee receive compensation for any accumulated leave. Unused leave will be counted as credited service and certified to PERS.

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