

Boundary County School District No. 101

PERSONNEL

5400C

Personnel Use of Leave during Health Emergency

The Board believes that the provision of leave in addition to the contractual leaves provided by the Master 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.

The District has adopted the protocols outlined in this policy to govern during the term of the declared public health emergency to inform District staff about leave options. The Superintendent or designee is authorized to implement this policy.

Sick Leave Bank

School District staff may utilize accumulated leave in accordance with this policy, a negotiated master agreement, or applicable Memorandum of Understanding through the regular procedures governing the type of leave requested.

Federal Law Controls Federal Leave Provisions

Federal and state guidance may change following adoption of this policy. To the extent that any subsequently adopted guidance or federal regulation or other interpretation of the law results in a conflict between such guidance, regulation, or interpretation, the provisions contained in the most recent guidance, regulation, or interpretation shall apply. The District will take reasonable steps to ensure that staff are notified of any change in guidance or regulation that creates a conflict with this policy.

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

Emergency Paid Sick Leave

In accordance with federal law, employees may be eligible for two weeks of paid sick leave capped at 80 hours paid at the employee's regular rate of pay when the employee is unable to work because they are quarantined in accordance with a Federal, State, or local government order or by the advice of a health care provider, and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.

Employees may be eligible for two weeks (up to 80 hours) of paid leave paid at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine in accordance with a Federal, State, or local government order or by the advice of a health care provider, or to care for a child under 18 years

of age whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition.

Emergency Family Medical Leave

Employees may be eligible for up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay when the employee, who has been employed for at least 30 calendar days, is unable to work due to a bonafide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Delegation of Authority

Through this policy, the Board has delegated this ongoing authority to the Superintendent, 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 involuntary 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.

The Superintendent 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.

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.

Sick Leave

Classified and certificated employees who work half time or more per week shall be granted sick leave and other leaves in accordance with State law. Each such employee shall be granted sick leave with full pay of 11 days (14 year-round). 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 half day, as defined in his or her individual employment contract. 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 include sons, daughters,

spouses, parents, parent-in-law, and other members of the immediate family who qualify as IRS dependents. 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.

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 (as before policy). 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.

Personal and Emergency Leave

Upon recommendation of the Superintendent, and in accordance with law and District policy, classified staff may be granted up to two (2) personal leave days and accumulate up to 4 days 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 is granted in units of hours;
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;
4. The Superintendent, with approval of the Board, shall have the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or any other District recognized leave. During any personal 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 References: 42 U.S.C. §§ 2000(e), *et seq.* Title VII of the Civil Rights Act of 1964
Families First Coronavirus Response Act
I.C. § 33-513 District Trustees - Professional Personnel
I.C. § 33-1216, *et seq.* Teachers - Sick and Other Leave
I.C. § 33-1228 Teachers - Severance Allowance at Retirement

Policy History:

Adopted on: 10/22/2018
Revised on: 11/9/2020
Reviewed on: 9/30/2020, 10/12/20, 11/9/20