

Regulation GCC

Las Cruces Public Schools

Related Entries: GCC
Responsible Office: Associate Superintendent for Human Resource Development
Applicable To: All Employees

Employee Leaves

I. PURPOSE

To implement the policy of the Board of Education that grants school district employees leave from duty as required by federal or state statutes and in accordance with school district policy.

II. DEFINITIONS

1. *“Immediate family”* means the spouse, domestic partner, child, grandchild, parent, sister, brother, niece, nephew, aunt, uncle, godchild, grandparent, son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law, a person who served as the guardian for the employee prior to the employee becoming an adult, and others who reside in the same household with the employee.

III. GENERAL INFORMATION

- A. All leaves are based upon the number of hours in the employee work day. Leave is reported in number of hours taken.
- B. All leaves will be requested through and approved by the immediate supervisor unless otherwise provided herein.
- C. An employee may remain in the District’s group health insurance program by paying one hundred percent of the premiums of such benefits while on approved extended leave or the employee’s share of the premiums as provided by law. Premium payments must be made at the time specified by the Human Resources Department. Failure to make payment will cause termination of benefits.
- D. Inappropriate use of any leave may be cause for disciplinary action including dismissal.
- E. Employees employed for less than a full year or on a part-time basis shall have their leave accrual prorated.
- F. Employees will be docked at their daily rate of pay for each day of unearned leave taken.

IV. ANNUAL LEAVE

- A. Certified and classified twelve (12) month employees shall be entitled to paid annual leave at the rate of 5 hours per pay period if the employee is on a paid status.
- B. Beginning the 2015-2016 school year, **certified** employees year on a nine (9) month, nine and one half (9 ½) or ten (10) month contract are granted one (1) day on an annual basis.
- C. **Classified** employees on a nine (9) month, nine and one half (9 ½) or ten (10) month contract who were employed with LCPS in 2015-2016 were granted one (1) annual day, converted from the two (2) originally allotted Paid Personal, in 2015-2016, and one (1) annual day from the two (2) allotted Paid Personal in 2016-2017 on a one time basis. These two exclusive annual days can carry over from year to year.

The following applies to both certified and classified annual leave:

1. Annual leave cannot be earned while the employee is on another leave without pay.
2. Annual leave pay shall not be granted to part-time employees.
3. Annual leave may be accumulated to a maximum of thirty (30) days. Employees granted Furlough Restoration Days during the 2015-2016 school year may accumulate a maximum of thirty three (33) days.
4. Upon termination, resignation, retirement or death, the employee shall be entitled to and shall be paid at the employee's current daily rate for accumulated and unused annual leave with a maximum of thirty (30) days, or thirty three (33) days if the employee was granted furlough days.
5. Annual leave will not be granted in advance of the number of days earned by the employee at the time of leave.
6. Annual leave must be approved by the immediate supervisor.
7. Authorization will be granted only for such times as will least interfere with the efficient operation of the schools.
8. The Board reserves the right to negotiate a separate annual leave agreement with the Superintendent.

V. PAID AND UNPAID PERSONAL DAYS

- A. With the exception of twelve (12) month employees, certified employees shall be granted one (1) day of paid personal leave and two (2) days personal leave to be deducted from the employee's salary at the agreed substitute rate of pay.
- B. With the exception of twelve (12) month employees, classified employees shall be granted two (2) days of paid personal leave and two (2) days personal leave to be deducted from the employee's salary at the agreed substitute rate of pay.

The following applies to both certified and classified personal leave:

- 1. Requests for such leave must be made with the employee's immediate supervisor five (5) days in advance unless the supervisor waives the notice requirement.
- 2. Personal leave may be denied if substitute teachers are not available.
- 3. If the paid personal leave day is not used, it will be added to accumulated sick leave for the following school year.
- 4. Unpaid personal leave days will not accumulate.

VI. MERITORIOUS DAY

The District recognizes the importance of a meritorious attendance program. To that end, all bargaining unit full-time employees hired on or before July 1 who use five (5) or fewer sick leave days from July 1 to June 30 will be awarded one (1) additional paid personal leave day. This paid awarded personal leave day may not accrue and must be used in the subsequent school year.

VII. EMPLOYEE SICK LEAVE DAYS

- A. Employees shall earn sick leave at the rate of approximately one (1) day per month. The total amount of accrual of sick leave for the entire year shall be posted at the beginning of the employee's employment year. Employees will be docked at their daily rate of pay of each day of unearned leave taken.
- B. Employees on a nine (9) month, nine and one half (9 ½) or ten (10) month contract will accrue sick leave days at one (1) day per month based on their assigned contract, not to exceed ten (10) days per year.
- C. Employees on an eleven (11) month contract employed-will accrue sick leave at one (1) day per month based on their assigned contract not to exceed eleven (11) days per year.

- D. Employees on a twelve (12) month contract employed-will accrue sick leave at one (1) day per month based on their assigned contract not to exceed twelve (12) days per year.
- E. Earned sick leave may be used provided the employee is on paid duty status.
- F. An employee may be requested to present proof of illness in order to qualify for pay during sick leave. A medical certificate will not be required to substantiate sick leave for three consecutive (3) days or less unless the employee has been notified in writing about an excessive use or abuse of sick leave.
- G. Immediate supervisors will oversee absences to determine if a pattern of absences or a frequency of absences is occurring. Absences on Friday and /or Monday and day(s) before and after a holiday will be observed and may be cause for the immediate supervisor to require a medical certificate.
- H. Family Medical Leave can be applied for if the employee is out for less than five days, however, an employee who is out on sick leave for more than five consecutive days must submit a Family Medical Leave form to the Human Resources Office with the appropriate physicians' signature.

VIII. SICK LEAVE BANK

PURPOSE: The Las Cruces Public Schools (LCPS) Sick Leave Bank (SLB) is a benefit to its employees to enable employees to care for themselves, their spouse, domestic partner, legal children, parents/legal guardian and parents-in-law.

A. ELIGIBILITY:

1. Employees who have completed 12 consecutive months of employment with LCPS are eligible for enrollment in the sick leave bank.
2. Employees who are new to the district will not be eligible for enrollment to the sick leave bank, until they have completed 12 consecutive months of employment with the LCPS.
3. Former LCPS employees who return to work and are in good standing with the sick leave bank will resume their membership in the sick leave bank after sixty (60) work days without donating an additional two (2) days to the sick leave bank. If a returning employee left owing days to the bank, they will resume paying days back at the set rate upon reemployment.
4. Part- time employees (.5 FTE or 3.5 hours per day) will be eligible for half of the benefits granted to a full time employee.

5. Temporary employees and part-time employees who work fewer than 3.5 hours per day are not eligible for benefits from the sick leave bank.

B. CONDITIONS

1. After being employed for 12 consecutive months, an eligible employee may choose to participate in the sick leave bank by a onetime contribution of two (2) non-refundable days of leave. The enrollment period for employees will begin on July 1st and end on October 1st of each year. Part-time employees (.5 FTE or 3.5 hours per day) may choose to participate in the sick leave bank by a onetime contribution of one (1) non-refundable day of leave.
2. An eligible employee who is requesting days from the sick leave bank must have five (5) days of paid leave (annual, sick or paid personal accrued leave) in order to apply without a deduction of pay. In the event that an employee does not have five (5) days of paid leave on the books, the employee will be docked at their daily rate of pay between one to five (1-5) days, depending on the amount of paid leave the employee has accrued at the time of application to the SLB.
3. An eligible employee will receive 100% of their daily rate of pay.
4. Membership is optional and a member may dis-enroll only during the annual open enrollment period beginning on July 1st and ending on October 1st of each year.
5. Leave may be taken intermittently for extended treatment only when stated in the physician statement plan of treatment.
6. In terms of pregnancies, requests for SLB benefits related to pre-delivery and post-delivery maternity complications will be considered if the condition requires hospitalization or if the physician has confined the patient to bed. A first unplanned caesarian delivery would be considered a complication.

Exclusions:

- a. Routine pregnancy and delivery whether vaginal or subsequent caesarian section with no pre-natal or post-natal complications.
- b. Caesarian sections scheduled for the employee's convenience, not their health, are not considered a complication.

- C. CRITERIA:** In order to qualify for leave from the Sick Leave Bank (SLB), employees will meet all of the following:

1. Be a current employee of the LCPS.

2. Be an eligible member of the Sick Leave Bank.
3. Be an employee, or their spouse, domestic partner as defined by New Mexico Public Schools Insurance Authority (NMPSIA), legal children, parents or parents-in-law and be experiencing a sudden, unexpected disability, serious accident, a catastrophic physical illness/injury or mental health illness
 - a. The catastrophic physical illness/injury must meet ALL of the following conditions:
 - a. The condition is sudden, unexpected and of such severity, as certified by a physician, that the individual is under an active treatment plan and unable to perform essential job functions.
 - b. Treatment for a catastrophic condition cannot be postponed without substantial risk of harm. Treatment, which does not require immediate attention, should be obtained during the employee's normal non-working period (i.e. winter break, spring break, summer break, etc.). Treatment for a condition, which does not require immediate attention but is scheduled for the employee's convenience, shall not be eligible for benefits from the SLB.
 - c. The amount of days required for treatment of a catastrophic condition, as indicated on SLB form, or injury must exceed the employee's accrued sick leave, paid personal leave, annual leave and unpaid personal leave. The employee must have exhausted all accrued leave.
1. Mental health illness shall be treated the same as any illness. A mental illness must meet ALL of the following conditions:
 - a. Be under the care of a licensed board certified physician or psychiatrist or a licensed clinical psychologist. Under certain extenuating circumstances, the SLB Review Committee will consider applications where treatment is being provided by:
 - Licensed Independent Social Worker
 - Licensed Professional Clinical Counselor
 - Licensed Clinical Nurse Specialist/Nurse Practitioner
 - b. Participate in an active treatment program.
 - c. Submit an application accompanied by a statement from the care provider(s) identified above which includes the therapeutic treatment plan, estimated duration of illness, and estimated date of return to work.

D. PROCESS

1. Sick Leave Bank applications are available at the Human Resources (HR) Department or on the LCPS website.
2. Completed applications will be date stamped and initialed by the HR designee. A copy of the submitted application will be provided to the employee.
3. The employee's accumulated sick, personal, or annual leave will be verified by HR at the time the employee requests days. Once verification of available leave has been made, determination will be made as to how many days are needed, based on a physician's written statement, in increments of twenty (20) days, from the Sick Leave Bank not to exceed 60 days.
4. In the event more leave is needed after twenty (20) days, applicants must submit documentation including, but not limited to, a new SLB form, the therapeutic treatment plan, progress reports, estimated recovery period and date of return to work. This report, based upon the treatment plan at the time of initial application, must be updated every twenty (20) sick leave bank days and the physician's documentation will include any treatment plan changes. Failure to comply may lead to cessation of benefits.
5. In the event the employee is hospitalized or incapacitated, the Human Resources Director or Designee will notify the employee or the employee's emergency contact of the need to update documentation for extension.
6. An employee who is not satisfied with the decision of the District SLB Committee shall have the right to address in a timely manner the SLB Committee to request further consideration. A representative of CSEC-LC or NEA-LC may accompany them.
7. If the employee is not able to appear in person, they may send a designee to appear on their behalf.
8. The final decision shall be rendered by the District SLB Committee and will not be subject to any grievance procedure.
9. An employee may return to work with a doctor's consent at any time after sick leave has been granted. The employee must notify HR and provide a doctor's note if there is a change in his/her sick leave usage. Any leave granted by the SLB and not used, will be put back into the SLB with no financial penalty to the employee. An employee returning

within the current school year in which he/she took leave from the SLB will have no remaining leave.

10. An employee utilizing the sick leave bank will reimburse the sick leave bank at a reduction of three (3) days per year of the new school year's allocation until the borrowed days have been returned or employment is terminated. Employees may elect to pay back more than three (3) days. Request to pay back additional days must be made in writing to the finance department.

E. SICK LEAVE BANK (SLB) COMMITTEE RESPONSIBILITIES

1. Sick leave bank allotments will be decided upon by a three (3) member sick leave bank committee which shall consist of one employee appointed by CSEC-LC, one employee appointed by NEA-LC and an Administrator appointed by the Superintendent or his/her designee.
 - a. Each committee member will serve a three-year term.
 - b. SLB committee members will meet semi-monthly and in emergency situations as determined by Human Resources.
 - c. Alternates may be appointed and utilized as needed.
2. The District Sick Leave Bank Committee shall review all applications for allotment of days and return a decision within five (5) working days following the District SLB Committee meeting.
3. Sick leave allotments will be in accordance with the above stated criteria and leave will be approved at a rate of twenty (20) days maximum at any one time.

VIII. FAMILY MEDICAL LEAVE ACT- *Please refer to Policy GBD and Regulation GBD Family Medical Leave Act for specific details.*

This leave is in compliance with the Family and Medical Leave Act (FMLA) enacted in 1993.

- A. The requirements of the Act entitle eligible employees to take up to twelve (12) weeks of unpaid, job protected leave each year for specified family and medical reasons. To be eligible for FMLA benefits, an employee must have worked for the Board for at least a total of twelve (12) months and at least 1,250 hours over the prior twelve (12) months.

- B. An eligible employee is eligible for up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:
 - 1. For the birth or placement of a child for adoption or foster care;
 - 2. To care for an immediate family member with a serious health condition; or
 - 3. To take medical leave when the employee is unable to work because of a serious health condition.
- C. Spouses employed by the District are jointly entitled to a combined total of twelve (12) work weeks of family leave.
- D. Leaves that fall within the FMLA will be credited toward the twelve (12) weeks of entitlement.
- E. Accumulated leave is used concurrently toward the twelve (12) weeks of entitlement.

IX. EXTENDED LEAVE

- A. An employee who is unable to work because of a personal illness, disability or due to caring for an ailing immediate family member shall be granted for the duration of the illness or disability up to one year without pay. Employees are required to come to the Human Resource Department to pick up the required form so the process will be explained to the certified employee at that time. Any request for this leave must state the probable date of return and be accompanied by a verifying physician's statement. This leave shall not exceed two (2) years.
- B. Before returning, such employees must submit a physician's release to return to work except for caring for an immediate family member.
 - 1. An employee returning from an extended leave must file by certified mail, his/ her intent to return to the District by November 1, when returning for the second semester, or by April 1, when returning for first semester of the next school year. The district will provide written notification thirty (30) days prior to the deadline to any employee who has not contacted the district of the employee's intent. Failure to notify the district will be considered a resignation on the part of the employee effective at the conclusion of the leave or the school year, whichever comes first.
 - 2. Employees returning to duty from an extended leave will be assigned to a substantially equivalent position to that held by the employee at the commencement of the leave. If the leave period is for one semester or to the end of the school year, the employee shall be returned to the

position previously held, if it exists and is available, or to a substantially equivalent position.

X. BEREAVEMENT

- A. Employees will be provided leave with pay for three (3) consecutive work days following the death of an immediate family member. The three can be followed by five (5) additional consecutive days for the death of an employee's spouse, domestic partner, child, grandchild or parent. Two (2) consecutive additional days for the death of an employee's spouse, domestic partner, child, grandchild or parent, will be provided if requested.
- B. In extenuating circumstances, additional days may be granted by the Director of Human Resources/Designee to be charged against the employee's accrued leave.

XI. FUNERAL

Employees may be excused by their immediate supervisor without loss of pay, for a period up to three (3) hours, to attend funeral services of individuals other than members of the immediate family, provided no substitute is required.

XII. IN-DISTRICT ACTIVITIES

- A. Employees will not be charged leave for attending in-district activities for their child(ren), grandchild(ren), and child(ren) under their guardianship not to exceed three (3) hours per activity and not exceed fifteen (15) hours per year.
- B. Types of in-district activities include but are not limited to, athletic events, student performances, student programs, Individual Education Plan (IEP) meetings, teacher/parent conferences and student registration.
- C. The supervisor and the certified employee will work collaboratively to provide coverage and documentation at minimal cost to the district.

XIII. ASSAULT

Paid leave is provided to any employee who is the victim of an assault , a bitterly, or other physical confrontation and is injured while acting within the scope of the employee's job assignment, subject to limitations as noted in Board Policies and Regulations GBGBA, GBGBA-R and GBGC, GBGC-R.

XIV. PARENTAL/ADOPTION

- A. An employee shall be granted upon request, a one year leave without pay, to begin any time between commencement of a pregnancy and the birth of a child. Requests must be made 30 days in advance of leave except in case of an emergency.
- B. An employee shall be entitled upon request, and verification of birth date, to leave without pay. This leave will begin at any time after the birth or adoption of his/her child and one year thereafter. This leave may be for a period of time up to one year. An extension may be granted upon request for an additional year.
- C. The District adheres to Family Medical Leave Act (FMLA) guidelines regarding paternity leave.

XV. ADVANCED STUDY

- A. An employee may request by letter to the superintendent a one year leave of absence for the purpose of advanced study. The advanced study degree must be in the area of education or educational support. The Superintendent or designee will provide the approval of advanced study leave to the employee, if in good standing, and said leave will be without pay. The employee will be granted any improvement in salary to which they are entitled based upon additional hours and/or degree(s).
- B. Prior to returning to employment to a position as indicated in the letter of leave approval, the employee must provide verification of advanced study by submitting to the Human Resources Department an official transcript indicating the earning of no fewer than nine (9) hours per semester or eighteen (18) hours for one (1) year.
- C. In the event advanced study leave is extended a second year, the requirement of semester hours must be met each year of the leave.

XVI. EXCHANGE TEACHING

A leave of absence without pay for one (1) year shall be granted to an employee in good standing who serves as an exchange teacher. An extension of this leave may be granted for one additional year.

XVII. JURY DUTY/COURT SUBPOENA

- A. Leave with pay will be granted to an employee where absence from duty is required by a lawful subpoena to testify in a court proceeding, in an administrative hearing or for school related business, where the issue does not involve asserting or protecting one's own interest.
- B. Leave with pay will be granted to an employee for appearance in court as a witness, to serve on a jury, or to respond to an official order from another government jurisdiction.
- C. Employees shall notify their immediate supervisor of their desire to apply for such leave as soon as possible prior to the date services must be rendered.
- D. Employees may not receive compensation from the District and from jury duty/court subpoena leave. However, reimbursement of expenses is permissible. Jury duty compensation will be returned to the employee's site supervisor or the District Finance Office.

XVIII. MILITARY

- A. As provided by law, employees who are members of an organized unit of the National Guard, or reserve unit of any of the U.S. military branches shall be given military leave in accordance with their official orders when they are ordered to active duty or training with such organized units.
- B. Performing duty, voluntarily or involuntarily, includes: Active duty, active duty for training, and initial active duty for training, inactive duty training such as full-time National Guard duty, absence from work for an examination to determine a person's fitness for any of the above type of duty, funeral honors duty performed by the National Guard or reserve members and duty performed by disaster response personnel.
- C. As provided by law, employees who leave their employment to enter the armed forces, voluntarily or involuntarily, have the right to return to their jobs provided certification of satisfactory service and application for reemployment occurs within thirty-one (31) days of separation from active duty. Employees

will be placed in their pre-service position or an equivalent assignment and granted any improvement in salary, which would have accrued to them, had they remained in active service with the District.

XIX. POLITICAL

- A. Upon request, the Superintendent/Designee may grant an employee unpaid political leave to serve in a part time or full-time government office, board or commission. The Superintendent/Designee may also grant an employee an extended political leave without pay to campaign for an election. Applications for such leave shall be made to the Superintendent/Designee.
- B. Employees appointed or elected to a non-salaried government office, board or commission may be granted political leave with pay. An employee elected to the New Mexico State Legislature will be granted the number of days the Legislature will be in session plus 10 additional days to attend committee meetings outside the Legislative framework.

XX. PROFESSIONAL

- A. Leave with pay will be granted for approved professional visitation and attendance at job-related meetings, conferences and training services or other activities, which would be beneficial to the work of the employee or to the District.
- B. Such leave may or may not involve the reimbursement of expenses, including substitutes, depending upon the mutually agreeable arrangements made prior to the leave.
- C. Two days of leave, with pay, will be granted to an employee taking an oral or written examination for an advanced degree in an educational related field.
- D. One day of leave, with pay, will be granted to an employee who is submitting a dossier for advancement.

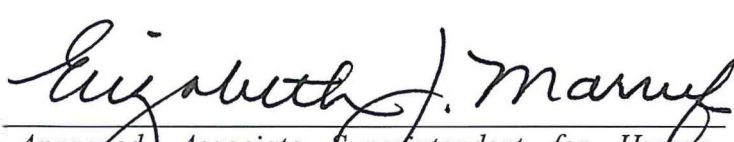
XXI. PUBLIC SERVICE

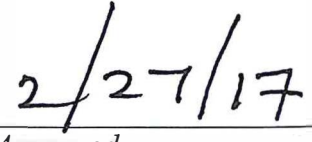
An employee who is called to serve as a firefighter, on a search and rescue operation, or to law enforcement duty, may be granted leave with pay provided the Superintendent/designee receives documentation of the service. An employee may not receive compensation from the district and from another agency concurrently for performing these duties.

XXII. OTHER EXTENDED LEAVES

The District at its own discretion may grant an employee in good standing an extended leave without pay that is not covered under this Article. In order to be eligible for this extended leave, employees must have been continuously employed

by the District for seven (7) or more years. Leave will be granted up to (1) one year. An extension of this leave may be granted for one additional year.


Approved, Associate Superintendent for Human
Resource Development


Date Approved

History: Formerly Procedure 232, Revised 11.22.95, 10.17.00, 2.27.17
Legal Reference: PL103-3: 29 USC SEC. 2601; 29 CFR 825