

INSTRUCTIONAL STAFF LEAVE

Full-time teachers at Byers 32-J shall receive 80 hours of leave at appointment. All leave will be issued in hours based on the hours worked per day. Unused leave for teachers who begin employment after June 1, 1994 may accumulate to 480 hours maximum. All teachers employed by the district on or before June 1, 1994 may have leave accumulate with no limit until such time as their employment with Byers School District 32-J ends.

Leave will be credited to the leave account of the teacher on the first day of the school year. Leave hours can be taken when required throughout that school year even though leave hours may not be fully earned when taken.

An employee unable because of illness or disability to report for work at the beginning of the school will not be credited with leave for that year until he/she has returned to service. Upon return, however, the employee will be credited with an adjusted leave allowance that will be used to diminish any deduction sustained for the absence.

While on leave of absence permitted by these policies, a teacher will retain but not accrue additional leave time except as otherwise indicated.

Even though leave may be used for any purpose, the district would like individuals to provide their supervisor with adequate notice of his/her intention to use leave (at least one week). This requirement must be maintained to allow the school to function properly and efficiently. Abuse of leave is grounds for dismissal.

The district will adhere to rules and requirements established for use for the State Compensation Insurance Fund, PERA disability and retirement programs, and disability policies with regard to availability and usage of employee leave benefits.

For each actual workday an employee is absent after leave allowance is exhausted, deductions will be made from the employee's salary in the amount equal to annual salary divided by the number of actual working days for which he/she is scheduled.

Hours accumulated yearly after the 2013-14 school year above 250 hours may be redeemed annually the following school year at 25% per diem. Only hours accumulated above 250, during the current year may be redeemed. A total of 80 hours may be redeemed per year.

An employee may choose to keep their hours above 250 for accumulation purposes only and not redeem them (up to 480 hours). When the employee leaves the service of the district, a maximum of 480 hours will be redeemed at fifty dollars for every eight hours of accumulated leave (for those employees hired after June 1, 1994). Employees hired prior to June 1, 1994 will receive fifty dollars for every eight hours accumulated leave in excess of 240 hours.

At the end of service to the district, an employee may redeem their leave hours as follows. If the employee has accumulated over 250 hours, they can redeem 80 hours of leave accumulated in the current school year at 25% per diem. All remaining hours will be paid at fifty dollars for every eight hours as outlined above. Accumulated hours 1-250 are paid at fifty dollars for every eight hours.

The District office will notify employees yearly of their qualification to redeem hours. Employees must designate annually on the form provided by the district whether they will accumulate hours or redeem those hours above 250.

Personal leave must be requested by the employee and approved by their immediate supervisor. Personal leave will not be approved or granted the first two weeks of school or the last two weeks of school or to

extend a school break (Spring Break, Thanksgiving, Christmas, Presidents' Day, Martin Luther King Day, Columbus Day, Labor Day, Memorial Day, Good Friday/Easter Monday). However, an employee may petition to their direct supervisor to extend the leave during these times in extenuating circumstances. The supervisor has the final say in approving the leave requested. If leave is taken without the above mentioned approval, it may result in a "dock day".

Additional leave during a public health emergency

In addition to the paid sick leave generally accrued, on the date a public health emergency is declared the district will supplement each employee's accrued paid sick leave as necessary to ensure that that full-time employees who work 40 hours or more in a week may take at least 80 hours of paid sick leave and the employees who work fewer than 40 hours in a week may take at least the greater of the number of hours the employee is scheduled to work in a 14-day period or the average time the employee works in a 14-day period. The district may count an employee's unused accrued paid sick leave toward the supplemental paid sick leave.

An employee may use the supplemental paid sick leave until 4 weeks after the official termination or suspension of the public health emergency. Leave under this provision may be taken for the following reasons:

- Self-isolation or seeking medical care or treatment due to a diagnosis or symptoms of a communicable illness that is the cause of a public health emergency;
- caring for a family member who is self-isolating or seeking medical care after being diagnosed or is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
- a determination from a local, state, or federal public official or health authority that an employee or a member of the employee's family that the employee cares for poses a risk to the health of others;
- caring for a family member when the individual's school or place of care has been physically closed due to a public health emergency; or
- an employee's inability to work because of a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of a public health emergency.

Documentation is not required to take paid sick leave during a public health emergency.

Nondiscrimination

The Board, the superintendent, other administrators and district employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who takes, attempts to take, or supports taking paid sick leave in accordance with this policy, files a complaint or informs any person about an alleged violation of the Healthy Families and Workplaces Act, or participates in an investigation, hearing, or proceeding related to such matter.

Notice

To reduce unlawful discrimination and to ensure a healthy workplace environment, the administration is responsible for providing notice of this policy and the poster created by the Colorado Department of Labor and Employment to all district schools and departments. The policy must be referenced in employee handbooks and otherwise be made available to all staff through electronic or hard-copy distribution.

Adopted February 17, 2005
Revised March 16, 2006
Revised August 21, 2008
Revised January 16, 2014
Revised May 9, 2019
Revised November 21, 2019

Revised February 18, 2021

LEGAL REFS.: C.R.S. 2-4-401 (*definition of immediate family*)
C.R.S. 8-13.3-401 et seq. (*Healthy Families and Workplaces Act*)

CROSS REFS.: GBGF, Federally-Mandated Family and Medical Leave
GBJ, Personnel Records and Files

NOTE 1: Districts must retain records for each employee for a 2-year period, documenting hours worked, paid sick leave accrued, and paid sick leave used. These records are subject to audit by the Colorado Division of Labor Standards and Statistics in the Department of Labor and Employment. C.R.S. 8-13.3-409(1).

NOTE 2: The Healthy Families and Workplaces Act does not apply to employees covered by a bona fide collective bargaining agreement in effect on the effective date of January 1, 2021 if the collective bargaining agreement provides for equivalent or more generous paid sick leave. It also does not apply to employees covered by a collective bargaining agreement that is initially negotiated or negotiated for the next collective bargaining agreement after the effective date of January 1, 2021 if the paid sick leave requirements are expressly waived and the collective bargaining agreement provides for equivalent or more generous paid sick leave.