

LEAVES AND ABSENCES

Full-time employees of the Hinds County School District shall be granted leave according to the number of months employed (For this benefit, an employee must work a minimum of twenty (20) hours per week.)

If an employee terminates employment prior to the end of the fiscal year and has borrowed leave days, an adjustment shall be made in the employee’s final warrant to cover any unearned leave.

Full-time employees shall earn and be credited at the beginning of the school year or July 1 with leave as follow:

<u>School Months Employed</u>	<u>Sick Leave</u>	<u>Personal Leave</u>
9 (187 –219 days)	7	2
10-11 (220-237 days)	8	2
12 (238 days)	9	12

Sick and personal leave allowed employees under contract for less than 187 days shall be prorated over the term of the contract of the nearest whole day on the basis of the allotted leave per 187 days of contract time.

TYPES OF ABSENCES

SICK LEAVE

Sick leave is not earned time-off, vacation, or personal leave. It may not legitimately or ethically be used for any purpose other than that intended. Employees shall be allowed to use accumulated sick leave, without loss of pay, for absences due to personal illness, illness or death of an immediate family member, or illness or death of one for whom the employee is responsible. Immediate family is limited to father, mother, father-in-law, mother-in-law, or person in loco parentis to the employee, brother, sister, brother-in-law, sister-in-law, husband, wife, child, son-in-law, daughter-in-law, grandchild, grandparent of employee or spouse.

1. At the beginning of the school year or July 1, any unused portion of the total sick leave allowance shall accumulate without limitation and carried over to the next school year with credit to employee if the employee remains in the district. In the event any public school employee transfers from one (1) public school district in Mississippi to another, any unused portion of the total sick leave allowance credited to such employee shall be credited to such employee in the computation of unused leave for retirement purposes under Section 25-11-109, Mississippi Code of 1972. Accumulation of sick leave allowed in the district shall be unlimited.
2. No deduction from the pay of such employee may be made because of absence of such employee caused by illness or physical disability of the employee until all sick leave allowance credited to such employee has been used.
3. For the first ten (10) days of absence of the classroom teacher because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such employee, there may be deducted from the pay of such employee the established substitute amount of the teacher’s compensation paid in the district, necessitated because of the absence of the certificated teacher, as a result of illness of physical disability.

Thereafter, the regular pay may be suspended and withheld in its entirety for any period of absence because of illness or physical disability during that school year. Halftime employees and certificated employees other than classroom teachers will automatically have per diem deducted rather than substitute pay for the first ten days in excess of the sick leave allowance.

4. Optional dental and medical treatment or surgery should be scheduled at a time when school is not in session if doing so will not cause medical risk for the employee.

PERSONAL LEAVE

1. Personal leave shall not 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. In extenuating circumstances, the superintendent may allow such leave but only through prior written permission. By state law families of military personnel leaving for active duty are an exception to this rule. An absence for personal business shall have the prior approval of the program supervisor in writing. Any employee who fails to get prior approval for a personal business day will be docked one day's pay. Up to five days of personal leave may be accumulated by nine to eleven month employees. No twelve-month employee may have over 17 days of personal leave at any one time.
2. Personal leave may be used as the employee so desires, but prior approval must be obtained from the employee's supervisor or principal, whichever applies.
3. No deduction from the pay of an employee may be made because of absence of such employee caused by personal reasons until after all personal leave allowance credited to such employee has been used.
4. The maximum number of certificated employees that may be granted personal leave on any given day from a school shall be limited to ten (10) percent of the certificated employees assigned to said school. This limitation shall be on a first request basis.
5. A maximum number of five (5) days of unused personal leave may be carried over to the next school year. No twelve (12) month employee may have more than 17 days of personal leave at any one time.

JURY DUTY

The Hinds County School Board shall provide leave with pay for employees who serve on juries. The school board will not recover jury fees from employees who serve on juries. (Attorney General's Opinion, Middleton, 1991)

OTHER ABSENCES

For absences other than reasons specified in the foregoing policy, an employee must make a request in writing to the immediate supervisor. If the request is approved by the supervisor and the superintendent, the employee will be allowed to be absent with the understanding that a full day's pay will be deducted from the employee's salary for each such absence.

LEAVE PROVISIONS

An employee who has been absent shall file with the immediate supervisor a Verification of Absence Form. This form should be filled out in its entirety, and the immediate supervisor shall personally forward the verification form to the Central Office. The immediate supervisor shall use his/her discretion concerning occasional absences of two hours or less for emergency

reasons. Absences beyond two hours shall be considered a half day of leave, and if the absence is more than a half day, the absence shall be considered a full day of leave.

1. Each certificated employee shall be credited with a professional leave allowance, with pay for each day of absence caused by reason of such employee's statutorily required membership and 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 Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television, and the meeting of the state textbook adoption rating committees.
2. Upon retirement from employment, each certificated and non-certificated employee shall be paid for not more than thirty (30) days of unused accumulated sick leave earned while employed by the Hinds County School District. Such payment for certificated employees shall be made by the district at a rate equal to the amount paid to substitute teachers, and for non-certificated employees, the payment shall be made by the district at a rate equal to minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump sum payment for personal leave as provided in Section 25-11-103(e). Any remaining lawfully credited unused leave, for which payment has not been made, will be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave.
3. During the two years of vacancy priority for certificated employees whose contracts were not renewed due to reduction in staff or if granted leave by the district, a certificated employee will not lose accumulated leave. Otherwise, all accumulated leave shall terminate upon the expiration of employment in the Hinds County School District and shall not be restored if the employee should later reenter the service of the district.
4. An employee who transfers from one school to another within the Hinds County School District will transfer any accumulated leave.
5. An employee who is absent shall file with his/her principal or immediate supervisor, a Verification of Absence form. Such form shall contain the following information: absentee's name, the date the form is completed by the absentee, date(s) of absence(s), reason for absence(s), signature of absentee, verification by principal or supervisor, and other information necessary to facilitate accounting in the central office. It shall then be the personal duty of the principal or supervisor to forward the verification form to the superintendent's office.
6. Should an absence extend more than four (4) consecutive school days or for two (2) consecutive school days immediately preceding or following a non-school day, the employee shall be required to submit with the Verification of Absence form a physician's statement to the employee's immediate supervisor. The statement should include the expected length of the absence and shall be submitted on or before the sixth day of absence.
7. Should an absence extend beyond ten (10) consecutive working days, the superintendent or the employee's immediate supervisor may request, as needed, a physician's statement of verification of illness and expected length of absence. If the employee is not ill nor are any of his/her family members, this lengthy absence could result in termination.
8. In the event an employee terminates employment prior to the end of the fiscal year and has used unearned leave days, an adjustment shall be made in the employee's final warrant to cover the unearned days used.

9. For those absences that necessitate the full cost of the substitute's pay being deducted from the absent certificated employee's salary, the deduction will be made from the subsequent month's pay warrant. If the employee is not entitled to subsequent pay, the deduction will be made from the current month's pay warrant. This type of deduction will not affect the contracted salary of the employee.
10. For new employees leave benefits do not start until the employee reports to work.
11. For those absences that necessitate the loss of a full day's pay on the part of the absent employee, the adjustment in pay will be made in the subsequent month's pay warrant. If the employee is not entitled to subsequent pay, the adjustment for the loss of pay will be made in the current month's pay warrant. When there are absences, which result in the loss of full pay, the contracted salary of the affected employee will be adjusted in order to reflect the loss of pay.
12. The principal or immediate supervisor shall use his/her discretion concerning occasional absences of employees of two (2) hours or less for emergencies. Absences of an employee beyond two (2) hours shall be considered at least one-half day of leave and if more than one-half day, the absence shall be considered a full day of leave.
13. For absences for any reason other than those specified in the foregoing policy, an employee must make a request in writing to his/her immediate supervisor. If the request is approved by the supervisor and the superintendent, the employee will be allowed to be absent with a full day's pay to be deducted from the employee's salary for each day's absence.
14. Any materially false statement by an employee as to the cause of absence shall result in full deduction of salary for the day or days involved and an entry shall be recorded in the personnel file of such employee.

EXCEPTION

Written requests for exceptions to the foregoing policies concerning absences may be forwarded to the superintendent for consideration.

RESIGNATION/RETIREMENT

Resignation by personnel must be submitted in writing to the employee's immediate supervisor and forwarded to the superintendent. For employees whose resignations are accepted and who do not complete the current work period, salary will be computed for the time worked. Final payment of salary will not be made until the staff member's resignation has been approved by the Superintendent, as authorized by the school board in its policy.

Any employee giving notice of intent to retire shall follow the same procedures as for resignation.

DONATED LEAVE

For the purposes of this section, the following words and phrases shall have the meaning ascribed in this paragraph unless the context requires otherwise:

- a. "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting

in the loss of compensation from the school district for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic. A normal pregnancy is not classified as a “catastrophic injury or illness.” An unusual pregnancy, that requires the services of a licensed physician for an extended period of time and that forces the employee to exhaust all leave time accumulated by that employee, thereby resulting in the loss of compensation from the Hinds County School District for the employee could be catastrophic.

- b. “Immediate family” means spouse, parent, stepparent, sibling, child or stepchild.

Any district employee may donate a portion of his/her unused accumulated personal leave or sick leave to another employee of the same or another school district who is suffering from a catastrophic injury or illness or who has a member of his/her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

- a. The employee donating the leave (the “donor employee”) shall designate the employee who is to receive the leave (the “recipient employee”) and the amount of unused sick leave that is to be donated, and shall notify the superintendent or his/her designee of this designation.
- b. The maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than seven (7) days of sick leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.
- c. An employee must have exhausted all of his/her accumulated personal leave and sick leave before he/she will be eligible to receive any leave donated by another employee. Eligibility for donated leave shall be based upon review and recommendation by the donor employee’s supervisor.
- d. Before an employee may receive donated leave, the employee’s supervisor must provide the superintendent or his/her designee with a physician’s statement that specifically states there is a catastrophic illness, the beginning date of the catastrophic injury or illness, a description of the injury or illness a prognosis for recovery, and the anticipated date that the recipient employee will be able to return to work. A normal pregnancy is not classified as a “catastrophic illness.”
- e. If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.
- f. Donated leave shall not be used in lieu of disability retirement.

FAMILY MEDICAL LEAVE ACT OF 1993 (FMLA). The FMLA applies to all district employees.

A. Definitions

1. An “eligible employee” is one who is employed at a school facility where at least 50 persons are employed, either there or within a 75 mile radius of that school facility as measured by road miles by the shortest route possible; and who has been employed for at least 12 months by the school district as of the date leave commences, and who has also provided at least 1250 hours of service during that 12 month period. Fifty-two (52) weeks of casual, intermittent or occasional employment qualifies as “at least twelve months.” District employees exempt from FLSA requirement are presumed to have worked 1250 hours.
2. “Employee’s spouse” means husband or wife as defined by Mississippi Law.
3. “Employee’s son or daughter” means biological child, adopted child or foster child, legal ward, or the child for whom the employee is standing in loco parentis who is either under the age of 18 or above the age of 18 and incapable of self-care because of a mental or physical disability.
4. “Employee’s parent” means biological parent or an individual who stood (or now stands) in loco parentis to an employee when the employee was a child (not to include parents-in-law).
5. “Employee’s immediate family member” means spouse, son or daughter, grandchild, or parent as defined hereinabove.
6. For the purposes of FMLA, “serious health condition” means an illness, injury, impairment or physical or mental condition that involves either in-patient care (overnight stay) in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. Health care providers are defined as licensed medical physicians only.

B. Leave Provisions

An eligible employee is entitled to twelve (12) unpaid work weeks of leave during any twelve (12) month period for any one or more of the following reasons:

1. The birth of a son or daughter, and to care for the newborn child (within twelve (12) months of the birth).
2. The placement of a child with the employee for adoption or foster care (within twelve (12) months of the placement).
3. To care for the employee’s spouse, son, daughter, or parent with a serious health condition (not “parent-in-law”).
4. The employee’s own serious health condition which makes the employee unable to perform the function of his/her job.
5. The district requires any person taking FMLA leave to utilize all paid leave benefits as part of the twelve (12) weeks of leave. This use of paid leave does not extend the twelve (12) weeks of FMLA leave.
6. The twelve (12) month period is defined as the district’s fiscal year (July 1–June 30).

C. Notice Requirement

1. Employees must provide the district at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an

expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or family member.

2. Due to lack of knowledge of a medical emergency, notice must be given as soon as practicable, which means as soon as both practical and possible or at least verbally within one (1) or two (2) working days when the need for leave becomes known to the employee. This verbal notice is to be followed by written notice.
3. Failure to give thirty (30) days notice for foreseeable leave may result in the denial of the taking of FMLA leave until at least thirty (30) days after the date the employee provides notice.

D. Required Certification

Eligible employees shall provide the district certification of a serious health condition for himself/herself or a family member. The certification, to be signed by the health care provider, shall be attached to the required written notice or submitted in a timely manner which shall be no more than three (3) working days after providing written notice. No leave period may begin without the approval of the superintendent. No approval shall be granted by the superintendent without the required written notice and certificate.

E. The certification is to include the following:

1. The date on which the serious health condition in question began.
2. The probable duration of the condition.
3. Appropriate medical facts regarding the condition.
4. A statement that the employee is needed to care for a spouse, parent or child (along with estimate of the time required) or that the employee is unable to perform his/her functions, and, in the case of intermittent leave, the duration of treatment to be given.
5. Signature (not stamped) of health care provider.

The district may require that a second opinion be obtained at the district's expense. The second opinion may not be provided by a health care provider employed by the district. In the event of conflicting opinions, the district may pay for a third and final provider to offer a binding decision. The district may require subsequent written recertification on a reasonable basis.

F. Employment Benefits Protection

1. An employee who completes a period of leave and has complied fully with the terms of this policy shall be returned either to the same position he/she had before the taking of leave or to a position which is genuinely equivalent (as compared to a comparable or similar job) in pay, benefits, and other terms and conditions of employment.
2. Taking of leave shall not result in the loss of any previously accrued seniority or employment benefits. Except for health benefits, no other benefits will accrue during the leave period.
3. Health benefits shall continue through an employee's 12-week leave period. The district may recover health coverage premiums paid for an employee who fails to return from leave, except no recovery will be made from an employee who fails to return from leave if the reason is the

continuation, recurrence, or onset of a serious health condition or something else beyond the employee's control.

4. All accumulated leave will be used to continue the employee's pay while on FMLA. After all accumulated leave is exhausted, certified employees will have 10 additional days of leave that will be deducted from their salary at \$55 per day. When the sub-pay days are exhausted, the employee will be charged at per diem for the remaining days that they are on leave. Classified employees will go on per diem after all accumulated days are expended.

Any employee who has additional questions concerning FMLA leave should contact the district's Director of Human Resources.

CROSS REF.: Policies CGPB Administrative Personnel Time Schedules
CGPH Leaves and Absences for Personnel
GCRG Leaves and Absences for Personnel
GBRI Absence from Duty