6550 - Leaves of Absence

2019 6550

Personnel

SUBJECT: LEAVES OF ABSENCE

a) General Provisions Applicable to All Leaves of Absence:

1. Leaves of absence, including the length of leave and purpose of the leave, must be authorized by the Superintendent.

2. The length or purpose of a leave of absence may not be altered once permission by the Superintendent has been granted, unless altered with the Superintendent's written permission.

3. The Superintendent with the Boards consent reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered by this policy.

4. The Superintendent or Board may undertake appropriate disciplinary action against an employee where a leave of absence is falsely requested or improperly used.

5. Employees Subject to Collective Bargaining Agreements: Employees who are subject to a valid collective bargaining agreement will be granted leaves of absence pursuant to the relevant provisions of those agreements.

6. Employees Subject to a Contract with the District: Employees who are subject to contracts with the District will be granted leaves of absence as set forth in each contract, if applicable.

b) Unpaid Leaves of Absence:

1. The following unpaid leaves of absence may be permitted at the discretion of the Superintendent:

(a) An unpaid leave of absence, not to exceed one school year, for approved graduate study, including any required internship experience.

(b) An unpaid leave of absence, for a period of time not to exceed the end of the school year in which the paid leave of absence commenced, after an employee has exhausted paid sick leave.

2. An unpaid leave of absence shall not be granted unless the services of a substitute employee can be secured by the Superintendent to cover the entire duration of the leave of absence.

3. The timing of an unpaid leave of absence will be determined at the Superintendent's discretion.

4. An unpaid leave of absence shall not be used:

(a) To extend vacation periods;

(b) To take vacations, in lieu of leave provided for in contracts between the District and bargaining units;

(c) To take vacations in lieu of leave provided for individual employees under contract with the District;

(d) To engage in other occupations; or

(e) To provide additional personal leaves.

c) Other Legally Recognized Leaves of Absence:

1. Emergency Service Volunteer Leave

Employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

2. Voting Leave

Employees shall be granted paid leave for up to three hours for the purpose of voting in an election, other than a school board election. Employees must notify the District at least two business days in advance of taking voting leave.

Employees who require more than three hours to vote may request personal leave, if available, or unpaid leave from the Superintendent for that purpose.

3. Screenings for Cancer

(a) Employees shall be granted paid leave for up to four hours every calendar year to undertake a screening for cancer.

4. Blood Donation

The School District will, at its option, either:

(a) Grant employees unpaid leave or personal leave, if available, for up to three hours every calendar year to donate blood off District premises. Employees must notify the District at least three business days in advance of taking this leave;

(b) Allow employees break time to donate blood during work hours at blood drives on the District's campus at least two times per calendar year, without charging employees with leave. Employees must notify the District at least two business days in advance of taking this leave.

5. Bone Marrow Donation

Employees who donate bone marrow shall be granted unpaid leave or personal leave, if available, for an amount of time to be determined by the physician conducting the medical procedure relating to same, not to exceed 24 work hours for each donation. The District may require verification of the purpose and length of each leave for bone marrow donation. Employees must notify the District as soon as possible in advance of taking this leave.

6. Nursing Mothers

Employees will be granted a reasonable amount of unpaid break time to express breast milk for her nursing child for three years following the child's birth. The District will provide a room or other location in close proximity to the work area where milk can be expressed in private. A "reasonable amount" of time for this purpose is generally between 20 and 30 minutes, though it may vary depending upon the proximity of the location designated for this purpose. Employees may use personal time for this purpose, upon request.

Employees are permitted to this break time every three hours. Employees may elect to work before or after their normal shifts to make up the amount of time used during these unpaid break time(s), so long as such additional time requested falls within the District's normal work hours.

Employees returning to work following the birth of a child will be provided notice of her right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually, or to all employees generally through publication of such notice in the employee handbook, or posting of the notice in a central location.

Employees wishing to avail themselves of this break time are required to give the District advance notice, preferably prior to their return to work, to allow the District to establish a location and schedule leave time to accommodate employees as needed.

7. Crime Victims Leave

Employees who are victims of crimes or who subpoenaed as witnesses in a criminal proceeding shall be granted unpaid leave or personal leave, if available, to appear as a witness, consult with the District

Attorney's Office, and/or otherwise prepare for a criminal proceeding. Employees must notify the District at least one day before using this leave. The District may require employees to submit verification for this type of leave.

8. Domestic Violence Victims Leave

Employees who are victims of domestic violence shall be granted unpaid leave, provided the employee is not the perpetrator of the domestic violence, in order to: 1) seek medical attention of injuries caused by domestic violence, including for a child, 2) to obtain services from a domestic violence shelter, program, or center, 3) to obtain psychological counseling, including for a child, perpetrator, 4) to participate in safety planning and other actions to increase safety, and/or 5) obtain legal services in relation to domestic violence. Employees must notify the District as far in advance as possible. The District may require employees to submit verification for this type of leave.

9. Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with federal and state laws and regulations.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333
Civil Service Law Sections 71-73, 159-b and 159-cEducation Law Sections 1709(16), 3005, 3005-a and

3005-b
General Municipal Law Section 92-c
Labor Law Sections 202-a, 202-c, 202-l, 202-j and 206-c
Military Law Sections 242 and 243
Penal Law Section 215.14

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